



# California Regulatory Notice Register

REGISTER 2003, NO. 43-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 24, 2003

## PROPOSED ACTION ON REGULATIONS

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE	<i>Page</i>
<i>Mexican Fruit Fly Interior Quarantine—Notice File No. Z03-1014-06 .....</i>	1671
TITLE 9. DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS	
<i>DUI Administrative Requirements—Notice File No. Z03-1010-02 .....</i>	1672
TITLE 10. DEPARTMENT OF INSURANCE	
<i>California Automobile Assigned Risk Plan (CAARP) Plan of Operations—Notice File No. Z03-1014-03 .....</i>	1674
TITLE 10. DEPARTMENT OF INSURANCE	
<i>Workers' Compensation Rates—Notice File No. Z03-1010-03 .....</i>	1681
TITLE 13. AIR RESOURCES BOARD	
<i>ATCM Transport Refrigeration Unit—Notice File No. Z03-1014-09 .....</i>	1681
TITLE 13. AIR RESOURCES BOARD	
<i>Verification Procedure Requirements 2003—Notice File No. Z03-1014-08 .....</i>	1686
TITLE 15. DEPARTMENT OF CORRECTIONS	
<i>Inmate Pay Regulations—Notice File No. Z03-1009-01 .....</i>	1690
TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES	
<i>Records Maintenance and Vendorization Termination—Notice File No. Z03-1014-01 .....</i>	1692

## GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH SERVICES	
<i>Public Meeting Regarding Drug Use Review (DUR) Drug Information .....</i>	1695
FISH AND GAME COMMISSION	
<i>Sport Fishing—Second Continuation Regarding Register 2003, No. 37Z and Commission Meeting of August 4, 2003; and Register 2003, No. 39Z and Commission Meeting of August 29, 2003 .....</i>	1695

(Continued on next page)

*Time-  
Dated  
Material*

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
*Chemical Listed Effective October 24, 2003 as Known to the State of California to Cause Reproductive Toxicity* ..... 1698

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
*Chemicals Known to the State to Cause Cancer or Reproductive Toxicity* ..... 1699

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State..... 1707

Sections Filed, June 11, 2003 to October 22, 2003..... 1709

---

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order, call (916) 445-5391. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Room 104, Sacramento, CA 95814-0212.

## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3417, subsection (b), of the regulations in Title 3 of the California Code of Regulations pertaining to Mexican Fruit Fly Interior Quarantine as an emergency action that was effective on September 25, 2003. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 23, 2004.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before December 8, 2003.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

This amendment of Section 3417(b) removed approximately 130 square miles surrounding the infestation in the Valley Center area of San Diego County as the area under quarantine for Mexican fruit fly. The fly was eradicated from this area on

September 23, 2003; therefore, it is no longer necessary to regulate the movement of hosts and possible carriers of the fly from this area. The effect of this amendment is to remove the authority for the State to regulate the movement of hosts of Mexican fruit fly from, into, and within the area under quarantine because the fly has been eradicated from that area and the quarantine is no longer necessary for the protection of California's agricultural industry. There is no existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3417(b) does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3417. No reimbursement is required for Section 3417 under Section 17561 of the Government Code because this amendment removes a portion of San Diego County from the area under quarantine from the regulation; therefore, enforcement is no longer necessary. There are no mandated costs associated with the removal of this area (Valley Center) from the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting some California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California,

(2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### **ALTERNATIVES CONSIDERED**

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **AUTHORITY**

The Department proposes to amend Section 3417(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

#### **REFERENCE**

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

#### **EFFECT ON SMALL BUSINESS**

The amendment of this regulation may affect small businesses.

#### **CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Kris Peeples at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### **INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on

which the proposal is based may also be obtained upon request. In addition, when completed the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### **TITLE 9. DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS**

#### **Amendments to Driving under the Influence Regulations Contained in Chapter 3, Division 4, California Code of Regulations**

#### **ADMINISTRATIVE REQUIREMENTS**

#### **NOTICE OF RULEMAKING AND PUBLIC COMMENT PERIOD**

NOTICE IS HEREBY GIVEN that the California Department of Alcohol and Drug Programs proposes to amend Driving Under the Influence (DUI) Program regulations contained in Chapter 3, Division 4, Title 9, California Code of Regulations (CCR).

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Chapter 3, Division 4, Title 9, CCR, currently contains regulations for licensure of DUI programs. This regulatory action amends Chapter 3 as stated below:

- Makes nonsubstantive changes to Section 9801
- Amends Section 9801.5 to require the county board of supervisors to include, in its recommendation for licensure, a statement assuring that there is a need for the new DUI program in the county and that the establishment of a new program will not jeopardize the fiscal integrity of existing programs.
- Amends Section 9804 to codify in regulation existing requirements for program application.
- Amends Section 9805 to specify additional documentation which must be submitted with the application for licensure.
- Makes nonsubstantive changes to Section 9812.
- Amends Section 9820 to require licensee to pay county administration and monitoring fees in order to extend the period of licensure.
- Amends Section 9824 to eliminate requirement that notices of delinquency must be mailed by certified mail.



- Amends Section 9846 to specify that a DUI program may enroll anyone who presents documentation from the court or the Department of Motor Vehicles that he/she was arrested for a DUI offense. Amends Section 9846 to allow DUI programs to enroll participants referred from another state. Amends Section 9846 to require the licensee to provide all documents that require signature in all languages that the licensee professes to serve.
- Amends Section 9867 to require the licensee to notify the Department of Motor Vehicles (DMV) of the identifying numbers of any Notices of Completion that the licensee voids. Requires the licensee to void or return to DMV any damaged Notices of Completion.
- Adopts new Section 9868 to establish requirements for use of new DMV Proof of Enrollment Form (Form DL 107, Revised 6-02).
- Amends Section 9878 by requiring the licensee to refund fees paid for unused services.

#### AUTHORITY

This regulation is being adopted pursuant to Sections 11755, 11836, and 11836.15 of the Health and Safety Code.

#### REFERENCE

The statutory references for this regulatory action are Sections 11836, 11836.15, 11837.2, and 11837.4 of the Health and Safety Code.

#### FISCAL IMPACT STATEMENTS

The Department does not anticipate any cost associated with implementation of these regulations because the regulations do not expand the scope of the implementing statutes. Any costs would be associated with implementation of the statutes rather than with implementation of the regulations themselves.

Costs or Savings in Federal Funding to the State: No costs or savings are anticipated.

Costs or Savings to Any State Agency: Increased workload will be absorbed using existing resources.

Costs or Savings to Any Local Agency or School District: No costs or savings are anticipated.

Nondiscretionary Costs or Savings Imposed on Local Agencies: This regulatory action will not result in any nondiscretionary costs or savings to local agencies.

Local Mandate Determination: The Department has determined that this regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Business: The Department does not anticipate any adverse economic impact on business because these regulations do not expand the scope of the implementing legislation.

The Department has made an initial determination that this regulatory action will not have a significant statewide adverse economic impact directly affecting businesses. This regulatory action will not affect the ability of California businesses to compete with businesses in other states. This regulatory action will not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Effect on Small Businesses: The proposed regulatory action will affect small businesses because many DUI programs are small businesses as defined in Government Code Section 11342.610. The Department has determined that this regulatory action will result in no cost or savings to small businesses because the regulations do not expand the scope of the implementing statutes.

Effect on Housing Costs: This regulatory action will not effect housing costs in any way.

#### LOCAL MANDATE DETERMINATION

The Department has determined that this proposed regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

#### WRITTEN COMMENT PERIOD

Any interested person or his authorized representative may submit written comments on the proposed regulatory action. **The written comment period closes at 5 p.m. on December 8, 2003.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period. Please send written comments to Mary Conway, Regulations Coordinator, Department of Alcohol and Drug Programs, 1700 K Street, Sacramento, CA 95814. Comments may also be submitted by fax at (916) 323-5873 or e-mail at [MCONWAY@ADP.STATE.CA.US](mailto:MCONWAY@ADP.STATE.CA.US).

#### SCOPE OF TESTIMONY

Section 11346.8(c) of the Government Code prohibits the Department from making any changes to the text of a noticed regulation after the public hearing, unless the change was so sufficiently related to the

original text that the public was adequately placed on notice that the change could result from the originally proposed action. Therefore please make your comments specific to the regulation discussed in this notice. Please indicate the number of the section you would like changed, the specific change requested, and the reason why you would like the section changed. Since the Department cannot make changes to sections of regulation which were not mentioned in this public notice, during the public comment period the Department will not consider testimony regarding changes which are outside the scope of this notice. If you wish to request the Department to amend, adopt, or repeal additional sections of regulation, the Department is required to consider those changes in a separate regulatory action.

#### **PUBLIC HEARING**

The Department has not scheduled a public hearing on the proposed regulatory action. However, if any person wishes to submit oral comments, the Department will schedule a public hearing upon receipt of that person's written request. Such request must be received at the address shown above no later than 15 days prior to the close of the written comment period.

#### **CONSIDERATION OF ALTERNATIVES**

Pursuant to Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this regulatory action was taken. The Department must also determine that no alternative would be as effective and less burdensome to affected private persons than the regulatory action taken. The Department will consider any alternatives presented during the public comment period.

#### **ADDITIONAL CHANGES**

The Department may modify the proposed regulation in response to testimony received during the 45-day public comment period, so long as any additional changes made are sufficiently related to the proposed regulatory action and within the scope of this notice. The Department will make available to any interested persons, for at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation, the full text of any regulation which is changed or modified from the express terms to this regulatory action. The Department will mail a copy of the additional changes to any person who testified or submitted comments during the public hearing (if one is requested), who submitted written comments during the 45-day public comment period,

or who requested copies of additional changes. Please call the Department's regulations coordinator at (916) 327-4742 if you wish to receive a copy of any additional changes and you do not plan to present comments regarding the proposed regulatory action.

#### **AVAILABILITY OF TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS**

The Department has prepared and has available for review upon request the text of the proposed regulations discussed in this notice, written in plain English; an initial statement of reasons, explaining the necessity for each regulatory change; and all the information upon which the proposed regulations were based. To obtain a copy, please call Mary Conway at (916) 327-4742 or write to her at the address shown on the first page of this notice. If you received this public notice in the mail, the text of the proposed regulation and the initial statement of reasons were enclosed. The proposed regulations and initial statement of reasons are also available on the Department's web site at <http://www.adp.ca.gov>.

#### **PERSON TO CONTACT FOR ADDITIONAL INFORMATION**

The Department's contact for this regulation package is Mary Conway, the Department's Regulations Coordinator, at (916) 327-4742. Questions regarding the substance of the proposed regulatory action should be directed to Roger Thompson, Manager, DUI Branch, at (916) 327-5693.

#### **FINAL STATEMENT OF REASONS**

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, please call Mary Conway at (916) 327-4742. The final statement of reasons will also be posted on the Department's web site at <http://www.adp.ca.gov>.

### **TITLE 10. DEPARTMENT OF INSURANCE**

#### **NOTICE OF PROPOSED ACTION**

#### **CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN PLAN OF OPERATIONS**

**RH01018405**

#### **SUBJECT OF ACTION**

California Insurance Commissioner John Garamendi will consider a revised Plan of Operations, superseding sections 2400, *et seq.* of Title 10 of the

California Code of Regulations regarding the operation and administration of the California Automobile Assigned Risk Plan (CAARP).

#### AUTHORITY AND REFERENCE

The Commissioner will adopt or reject the Plan of Operations pursuant to the authority vested in him by Section 11620 of the California Insurance Code (CIC). The Plan of Operations implements, interprets and make specific the provisions of CIC §§ 11620, 11622, 11622.5, 11623, 11623.5, 11624, 11624.08, 11624.09, 11624.1, 11624.2, 11624.3, 11627, and 11627.5.

#### HEARING DATE AND LOCATION

Pursuant to California Insurance Code Section 11620, a public hearing is scheduled regarding this proposal at the following date, time, and place:

**Thursday, November 6, 2003—11:30 a.m.**

Department of Insurance Hearing Room  
45 Fremont Street, 22nd Floor  
San Francisco, California 94105

Pursuant to the Administrative Procedure Act, specifically California Government Code Sections 11346.5(a)(17) and 11346.8(a), additional public hearings are not scheduled at this time. However, any interested person or his or her duly authorized representative may submit a written request for a public hearing to the contact persons listed below no later than **Monday, November 24, 2003**, which is 15 days prior to the close of the written comment period.

Comments received at the November 6, 2003 hearing will be considered for the Administrative Procedure Act proceeding as well.

#### PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS; REQUESTS FOR HEARING

All persons are invited to submit written comments to the Commissioner prior to the public comment deadline. Comments should be addressed to the contact person for this proposal:

California Department of Insurance  
Attention: Elizabeth Mohr  
45 Fremont Street, 21st Floor  
San Francisco, CA 94105  
mohre@insurance.ca.gov  
(415) 538-4112

The backup contact person for this proposal is:

California Department of Insurance  
Attention: Michael Riordan  
45 Fremont Street, 21st Floor  
San Francisco, CA 94105  
riordanm@insurance.ca.gov  
(415) 538-4226

Written comments and requests for further public hearings may be faxed to (415) 904-5490

Comments and/or hearing requests shall be transmitted by means of one method only.

Members of the public requiring assistance with their presentation are encouraged to contact the Office of the Public Advisor at the following address and telephone number prior to the hearing:

California Department of Insurance  
Office of the Public Advisor  
45 Fremont Street, 23d Floor  
San Francisco, California 94105  
(415) 538-4065

#### DEADLINE FOR WRITTEN COMMENTS

Written comments on the proposed Plan of Operations must be **received** at the San Francisco office of the Commissioner by **5:00 p.m. on December 9, 2003**, to be considered.

#### ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the address listed immediately above.

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to CIC § 11620 *et seq.*, the Commissioner must approve or issue a reasonable plan for the equitable apportionment, among insurers admitted to transact liability insurance, of those applicants for automobile bodily injury and property damage liability insurance who are in good faith unable to procure that insurance through ordinary methods. The Plan sets forth the overall administrative and operating procedures for CAARP. The current Plan of Operations, set forth in Title 10 of the California Code of Regulations has become substantially outdated by changes in the assigned risk and related laws, and by plan experience. Consequently, a new Plan of Operations is proposed, which is intended to replace the current CAARP administrative and procedural regulations set forth in the California Code of Regulations. 10 CCR § 2400 *et seq.* The plan includes provisions governing, among other things, administrative matters, producer certification and performance standards, personal and



commercial automobile coverage and insurer performance standards. The proposal updates the plan of operations in conformance with current policies and recent statutory additions and thus will facilitate uniformity, reliability and fairness in the operation of the plan.

The CAARP statute requires the Commissioner to hold a public hearing and thereafter “approve or issue a reasonable plan for the equitable apportionment” of eligible applicants to subscribing insurers. CIC § 11620. The Commissioner may “approve reasonable amendments to the plan if he or she first holds a public hearing to determine whether the amendments are keeping with the intent and purpose” of the statute. *Id.* Public notice of a hearing regarding the plan must precede the public hearing or the end of public comment period by at least 60 days and must appear in newspapers of general circulation in San Francisco and Los Angeles. *Id.* That public notice has been provided.

CIC § 11624 requires that the plan contain, among other things:

- (a) Standards for determining eligibility of applicants for insurance, including a requirement of a certificate of eligibility. . .
- (b) Procedures for making application for insurance, for apportionment of eligible applicants among the subscribing insurers and for appeal to the commissioner. . .
- (d) Rules and regulations governing the administration and operation of the plan.
- (e) Provisions showing the basis upon which premium charges shall be made, and the manner of payment thereof. . . .
- (f) Any other provisions as may be necessary to carry out the purposes of this article.

CIC § 11624 (emphasis supplied).

The proposed plan sets forth eligibility standards, application procedures, apportionment of assignments provisions, and rules and regulations of CAARP’s operation. These are elements expressly required to be included in the plan under subdivisions (a), (b) and (d). The other provisions in the plan are necessary to carry out the plan’s purpose and thus fall within the scope of subdivision (f). The plan thus sets forth elements required by statute to be included in the plan approved by the Commissioner.

Although the plan has been printed in the California Code of Regulations, there is no requirement that the plan be printed in the California Code of Regulations in full text. The Government Code contemplates that regulations adopted by an agency may be incorporated by reference in a regulation. CGC § 11344.6. In fact, there are several existing examples in the California Code of Regulations of incorporation by reference. See, e.g., 10 CCR § 2318 *et seq.* (workers’ compen-

sation insurance statistical reporting plans). For insurers and producers subject to the plan, ease of use and efficiency would be promoted if the full text of the plan appeared only in the Plan of Operations itself, as is done country-wide. Therefore, it is proposed that the plan simply be incorporated by reference in a regulation printed in the California Code of Regulations.

This proposal was recommended by the CAARP Advisory Committee, in accordance with CIC § 11623(a).

There are no corresponding federal statutes or regulations on this subject.

#### EFFECT OF PROPOSAL

The effect of each specific proposed section is as follows:

#### Introduction

This portion of the Plan simply provides background and basic information for insurance producers submitting applications to CAARP. This section replaces sections 2400, 2401, and 2497.

#### Definitions

##### **Section 1. Definitions**

This section defines the terms used in the operation of the plan. This section replaces section 2403.

#### Administrative Part

##### **Section 2. Plan Membership**

This section sets forth the obligation of every admitted liability insurer to participate in the program. It replaces sections 2405 and 2498.

##### **Section 3. Administration**

This section describes the Advisory Committee membership and meetings and the right of the Commissioner to examine the plan. It replaces section 2420, 2421, 2421.1a, and 2496.

##### **Section 4. Cost of Administration**

This section sets forth the basis for apportioning the costs of administering the plan and requirements for paying assessments. This section replaces sections 2405, 2421.4, 2421.5, 2490, and 2491.

##### **Section 5. Duties of Advisory Committee**

This section sets forth the duties of the Advisory Committee, replacing section 2421.2.

##### **Section 6. Duties of the Manager**

This section describes the duties of the manager. It replaces sections 2421.3, 2421.6, 2422, 2492, 2492.1, 2492.3, 2492.5, 2494, and 2494.5.

##### **Section 7. Amendment of Plan**

This section describes the process for amending the plan, and replaces section 2421.9.



**Section 8. Determination and Fulfillment of Private Passenger Nonfleet Liability Quota**

This section sets forth the basis for determining an insurer's assigned risk quota, replacing sections 2445, 2445.1, and 2448. It also describes the Limited Assignment Distribution Procedure authorized by CIC § 11623.5, replacing section 2454.

**Section 9. Determination and Fulfillment of Quotas Calendar Year [Insert Year] and Prior Years**

This proposal eliminates the Other Than Private Passenger ("OTPP") quota distribution. To assist insurers during the transition period when the elimination of the OTPP quota distribution occurs, information pertaining to the determination of the OTPP and Private Passenger Nonfleet Liability quotas for the calendar year and those prior have been introduced in new Section 9.

**Section 10. Reserved for Future Use**

**Section 11. Commercial Automobile Insurance Procedure Administration**

This section describes the administration of the commercial assigned risk program, including the servicing carrier application and appointment process, and procedures applicable to servicing carrier withdrawal or termination. It replaces section 2432.

**Section 12. Commercial Automobile Insurance Procedure Participation Provisions**

This section describes insurers' obligations to participate in the CAIP program. It replaces section 2432.

**Section 13. Reserved for future Use**

**Section 14. General Provisions**

This section sets forth various administrative provisions, including data reporting, data correction, quality standards, assignments/participation to new or withdrawing insurers or insurers discontinuing or resuming writing, insurers in financial difficulty, insolvent insurers, insurer merger and consolidation, assumption of policy obligations, failure to subscribe to the plan, and settlement balances for insurers in rehabilitation. It replaces sections 2432, 2448, 2449.1, 2449.1a, 2449.2, 2493, 2493.2, and 2493.4.

**Section 15. Rate Determination**

This section sets forth the basis for determining applicable rates and premiums and requires insurers to provide certain information for that purpose. It replaces sections 2404, 2421.10, and 2461.

**Section 16. Right of Appeal**

This section sets forth the procedure applicable to appeals of actions taken by any insurer, the Manager, or the committee. It replaces section 2495.

**Section 17. Indemnification**

This section concerns CAARP's right to defend and obligation to indemnify Committee members against loss for matters arising out of the performance of their Committee functions. It replaces section 2494.7.

**Section 18. Reserved for Future Use**

**Producer Certification and Performance Standards Part**

**Section 19. Producer Certification**

This section sets forth the process for becoming a certified producer and the responsibilities of certified producers. This section replaces section 2431.1.

**Section 20. Performance Standards**

This section sets forth the performance standards for certified producers. It replaces section 2431.2.

**Section 21. Reserved for Future Use**

**Personal Automobile Part**

**Section 22. Eligibility**

This section describes eligible applicants and vehicles. It specifies the means of establishing eligibility for a policy under the plan, and provides that insurers need not cover unlicensed persons or those who fail to pay the premium. This section limits the plan to covering vehicles registered in California (with limited exceptions). It replaces sections 2404, 2430, and 2431.

**Section 23. Application Requirements**

This section spells out certain information to be stated in and the facts about the applicant to be obtained on the insurance application and certificate of eligibility. It also specifies required notices to the applicant, including a fraud warning and a provision designed to protect against repeat applications by persons who have failed to pay for prior CAARP coverage. It replaces sections 2441 and 2442.

**Section 24. Reserved for Future Use**

**Section 25. Extent of Coverage**

This section specifies the limits of liability, medical payments and uninsured motorists coverage to be provided on approved policy forms. It replaces sections 2406, 2407, and 2408.

**Section 26. Premium Payment Options**

This section describes the options applicable to payment of premiums for assigned risk policies, and premium owed for prior policies. It sets forth procedures applicable for dishonored checks. It replaces sections 2443, 2443.1, and 2453.

**Section 27. Reserved for Future Use**

**Section 28. Application for Assignment, Designation of Insurer, Evidence of Insurance, and Effective Date of Coverage**

This section sets forth the Manager's requirements upon receipt of applications, and procedures applicable to effective dates of coverage. It also specifies return premium provisions under certain circumstances. It replaces sections 2444, 2444.5, and 2444.6.

**Section 29. Additional Vehicles or Coverages**

This section sets forth the requirements applicable to policy changes during the term of the policy.

**Section 30. Reserved for Future Use**

**Section 31. Three-Year Assignment Period**

This section provides that the assignment period generally shall be 36 consecutive months. It replaces section 2482, 2483.3, and 2483.6.

**Section 32. Reserved for Future Use**

**Section 33. Cancellations**

This section sets forth the procedures when a policy is cancelled mid-term. It replaces sections 2453, 2470, 2471, 2471.1, and 2472.

**Section 34. Commission to Producer of Record**

This section sets forth the commission rates to be paid to producers for assigned risk business. It replaces section 2462.

**Sections 35–36. Reserved for Future Use**

**Section 37. Performance Standards for Insurers Writing California Automobile Assigned Risk Plan Private Passenger Nonfleet Risks**

This section sets forth the performance standards for insurers in their assigned risk and Low Cost automobile business. It replaces section 2431.3, 2450, 2450.5, 2482, 2482.1, and 2483.5.

**Sections 38–39. Reserved for Future Use.**

**Commercial Automobile Part**

**Section 40. Eligibility**

This section describes eligible commercial applicants and vehicles. It replaces sections 2404, 2430, 2431, and 2432.

**Section 41. Application Requirements**

This section spells out certain information to be stated in and the facts about the applicant to be obtained on the insurance application. It also specifies required notices to the applicant, including a fraud warning and a provision designed to protect against

repeat applications by persons who have failed to pay for prior CAARP coverage. It replaces sections 2441 and 2442.

**Section 42. Reserved for Future Use**

**Section 43. Extent of Coverage**

This section specifies the limits of liability, medical payments and uninsured motorists coverage to be provided, on an approved form, subject to any higher limits that may be required. It replaces sections 2406, 2407, and 2408.

**Section 44. Premium Payment Options**

This section describes the options applicable to payment of premiums for assigned risk policies, and premium owed for prior policies. It sets forth procedures applicable for dishonored checks. It replaces sections 2443, 2443.1, and 2453.

**Section 45. Reserved for Future Use**

**Section 46. Application for Assignment, Designation of Servicing Carrier, Evidence of Insurance, and Effective Date of Coverage**

This section sets forth the Manager's requirements upon receipt of applications, and procedures applicable to effective dates of coverage. It also sets forth return premium requirements under certain circumstances. It replaces sections 2444, 2444.5, and 2444.6.

**Section 47. Additional Vehicles or Coverages**

This section sets forth the requirements applicable to policy changes during the term of the policy.

**Section 48. Reserved for Future Use**

**Section 49. Three-Year Assignment Period**

This section provides that the assignment period generally shall be 36 consecutive months. It replaces section 2482, 2483.3, and 2483.6.

**Section 50. Change of Ownership/Transfer of Loss Experience**

This section provides that all exposures of commonly owned entities should be written on the same policy and combined for rating purposes, and describes the applicable procedure.

**Section 51. Cancellations**

This section sets forth the procedures when a policy is cancelled mid-term. It replaces sections 2453, 2470, 2471, 2471.1, and 2472.

**Section 52. Commission to Producer of Record**

This section sets forth the commission rates to be paid to producers for assigned risk business. It replaces section 2462.

**Section 53. Reserved for Future Use**

**Section 54. Performance Standards for Servicing Carriers Writing California Automobile Assigned Risk Plan Commercial Risks**

This section sets forth the performance standards for insurers writing commercial assigned risk business. It replaces section 2431.3, 2432, 2450, 2482, 2482.1, and 2483.5.

**Section 55. Additional Premium Reporting Time Limit**

This new section requires the servicing carrier to obtain preapproval for any additional premium of \$5,000 or greater if the reporting date is more than three years following the policy termination date. It addresses the issue of late reported "estimated" earned premium and the corresponding premium charge-off that usually accompanies it. The late reported additional premium is based upon unaudited unverified policy rating exposures from external sources other than the named insured's business records. There is generally little chance of collecting the additional premium. The estimated premium is reported as written and earned premium, triggering additional premium based expenses or resulting in under compensation of the servicing carrier for services provided and expenses incurred as a result of the unanticipated policy exposures. Any such request submitted by a servicing carrier will be timely reviewed, and the servicing carrier may appear before the Advisory Committee in connection with the request.

**Sections 56-57. Reserved for Future Use**

The following sections, currently included in Title 10, California Code of Regulations, sections 2400 et seq., are not included in the new Plan of Operations because they are included in the CAARP Simplified Manual of Rules and Rates, referenced in section 2498.5, which took effect as of July 1, 1999: 2460, 2460.3, 2460.5, 2498.1, 2498.2, 2498.3.1, 2498.4, 2498.4.1, 2498.4.2. The surety bond requirement in section 2421.6 is being deleted as unnecessary, as are sections 2447, 2480, 2481, 2482.3, 2482.5, and 2483.4.

**TEXT OF PLAN AND INITIAL  
STATEMENT OF REASONS**

The Commissioner has prepared an initial statement of reasons for the proposal, in addition to the informative digest included in this notice. The text of the proposed plan of operations and the initial

statement of reasons will be made available for inspection or copying upon written request to the contact person for these hearings (listed above).

By prior appointment, the file for this proceeding is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

**COST OR SAVINGS AND MANDATE  
TO LOCAL AGENCIES AND SCHOOL  
DISTRICTS/ FEDERAL FUNDING**

The Commissioner believes that there will be no direct cost or savings to, nor will there be any new programs mandates on, any local agency, state agency or school district from the proposal, and that the proposal will not affect federal funding to the state.

**IMPACT ON HOUSING COSTS**

The matters proposed herein will not affect housing costs.

**ALTERNATIVES**

The Commissioner must determine that no reasonable alternative considered by him or that has otherwise been identified or brought to his attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Commissioner requests public comment on potential alternatives to the proposed plan.

**ECONOMIC IMPACT ON BUSINESS AND  
INDIVIDUALS AND THE ABILITY OF  
CALIFORNIA BUSINESSES TO COMPETE**

The Commissioner has initially determined that the proposal will not have an adverse economic impact on businesses and individuals in California or on the ability of any California business to compete. The Commissioner invites interested parties to comment on this issue.

**EFFECT ON JOBS AND BUSINESSES  
IN CALIFORNIA**

The Commissioner is required to assess any impact the proposal may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposal will have any impact on any of the above, but invites interested parties to comment on this issue.

**COST IMPACT ON PRIVATE PERSONS  
OR ENTITIES**

The Commissioner is not aware of any cost impact that a representative private person or business would necessarily occur in reasonable compliance with the proposed action. To the extent that the proposal does have a cost impact, that cost impact is a result of the Insurance Code sections being implemented, interpreted or made specific by the proposal, and not as a direct result of the proposal itself. The Commissioner invites all interested parties to comment on this issue.

**AFFECT ON SMALL BUSINESS**

To the extent this proposal affects insurers, the proposal does not affect small businesses because insurers are excluded from the definition of small business. To the extent the proposal affects insurance producers, it is simply clarifying existing statutes and updating existing regulations. As a result, it does not affect small businesses.

**NON-DISCRETIONARY COSTS OR SAVING**

The proposal will not impose any non-discretionary cost or savings on local agencies.

**COST OR SAVINGS TO STATE AGENCIES**

The proposal will not result in any cost or in significant savings to state agencies.

**REIMBURSABLE COSTS**

There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

**SPECIFIC TECHNOLOGIES OR EQUIPMENT**

Adoption of the proposed plan would not mandate the use of specific technologies or equipment.

**IMPACT ON COMPETITIVENESS**

The proposal will not have an adverse impact on competition or competitiveness.

**BUSINESS REPORT**

The existing statutes and regulations require various reports of insurers in connection with their assigned risk business. This proposal continues those reporting requirements.

The Commissioner finds that this regulation requiring a report of businesses is necessary for the public health, safety, or welfare of the people of the state.

**PLAIN ENGLISH**

The proposal is in plain English except to the extent that technical terms could not be avoided, and those technical terms are defined in plain English.

**COMPARABLE FEDERAL LAW**

There are no comparable existing federal regulations or statutes.

**AUTOMATIC MAILING**

A copy of this notice is being sent to all persons on the Insurance Commissioner's mailing list applicable to this proceeding.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action are published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

**AVAILABILITY OF TEXT OF PLAN AS  
MODIFIED AFTER HEARING**

The full text of the plan, if modified after the public comment period, will be available for at least 15 days prior to the date on which the agency adopts or amends the proposal.

**ADDITIONAL PUBLIC COMMENT—  
SUBSTANTIVE CHANGES**

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony, concerning the changes **only**, for a period of at least 15 days.

At least 45 days notice will be given if the changes are not sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

**ADOPTION OF PLAN**

Following the hearing and close of all public comment periods, the Commissioner may adopt the proposal substantially as described in this Notice and the Initial Statement of Reasons.

**FINAL STATEMENT OF REASONS**

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. A copy of the Final Statement of Reasons, once it has been prepared, will be available on the Department's website or may be obtained from the contact persons for this proposal.



## TITLE 10. DEPARTMENT OF INSURANCE

### SECOND NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

**File No. RH 03031326**

NOTICE DATE: OCTOBER 10, 2003

Proposed Revisions to the Insurance Commissioner's Regulations pertaining to the Classification of Risks; Recording and Reporting of Data; Statistical Reporting and Experience Rating; and Approval of Advisory Pure Premium Rates.

A Notice of Proposed Action and Notice of Public Hearing in this matter was issued on July 30, 2003 and is hereby incorporated by reference in this Notice. A public hearing on this matter was held on September 12, 2003 and the record was left open to receive more evidence. Another public hearing was held on September 28, 2003. The record was left open subsequent to that hearing and it was announced that one more public hearing would be held on this matter.

NOTICE IS HEREBY GIVEN that the insurance commissioner will hold a public hearing to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the matters presented in the July 30, 2003 Notice at the following date, time and place:

**November 3, 2003—9:30 AM**  
**22nd Floor Hearing Room**  
**45 Fremont Street**  
**San Francisco, California**

#### PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

All persons are invited to submit written comments to the insurance commissioner prior to the public hearing on the proposed amendments contained in the WCIRB's filing. Such comments should be addressed to:

California Department of Insurance  
Attention: Larry C. White, Senior Staff Counsel  
45 Fremont Street, 24th Floor  
San Francisco, California 94105  
(415) 538-4423

Any interested person may present oral and/or written testimony at the scheduled public hearing. Written comments and oral testimony will be given equal weight in the insurance commissioner's deliberations.

#### DEADLINE FOR WRITTEN COMMENTS

All written material, unless submitted at the hearing, must be received by the insurance commissioner at the address listed above no later than 5:00 PM on November 3, 2003.

## TITLE 13. AIR RESOURCES BOARD

### NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AIRBORNE TOXIC CONTROL MEASURE FOR IN-USE DIESEL-FUELED TRANSPORT REFRIGERATION UNITS (TRUs) AND TRU GENERATOR SETS, AND FACILITIES WHERE TRUs OPERATE

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adopting a regulation to reduce public exposure to diesel exhaust particulate matter (diesel PM) and other toxic air contaminants (TACs) by reducing in-use emissions from Transport Refrigeration Units (TRUs) and TRU generator sets.

DATE: December 11, 2003

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency  
Air Resources Board  
Central Valley Auditorium  
1001 I Street  
Sacramento, California 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., on Thursday, December 11, 2003, and may continue at 8:30 a.m., Friday, December 12, 2003. This item may not be considered until Friday, December 12, 2003. Please consult the agenda for the meeting, which will be available at least ten days before December 11, 2003, to determine the day on which this item will be considered.

If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-5594 or [sdorais@arb.ca.gov](mailto:sdorais@arb.ca.gov) as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

#### INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

**Sections Affected:** Proposed adoption of chapter 3—article 4, section 2022, title 13, California Code of Regulations (CCR).

**Background:** In 1998 the Board identified diesel particulate matter emissions from diesel-fueled engines as a toxic air contaminant. Two years later, the Board adopted the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (Diesel Risk Reduction Plan) in September 2000, which established a goal of reducing emissions and the resultant health risk from virtually all diesel-fueled engines and vehicles within the State of California by the year 2020. This Plan envisions that particulate matter emissions from diesel-fueled engines and vehicles should be reduced by 75 percent

in 2010 and 85 percent in 2020. The Plan identified various methods for achieving the goals including new, more stringent standards for all new diesel-fueled engines and vehicles, the replacement of older in-use engines with new, cleaner engines, the use of diesel emission control strategies on in-use engines, and the use of low-sulfur diesel fuel.

The major sources of diesel PM are the approximately 1,250,000 diesel-fueled engines in vehicles and equipment used in California. The health impacts of diesel PM include increased incidence of lung cancer, chronic respiratory problems (such as asthma and bronchitis), cardiovascular disease, and increased hospital admissions and mortality. In California, diesel PM emissions are estimated to comprise 70 percent of the total potential cancer risk from all identified toxic air contaminants.

TRU diesel engines currently emit approximately two tons per day of diesel PM. The diesel PM emissions from TRUs are expected to increase to about 2.5 tons per day in 2010, and to about three tons per day in 2020 as more TRUs are placed into service. Because of the high potency of diesel PM and the potential for large numbers of TRUs to operate at one location, often times near residential areas, staff believes that there are situations where the estimated 70-year potential cancer risk resulting from exposure to diesel PM emissions from TRUs will be in excess of a 100 in a million.

On May 16, 2002, the Board approved the *Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines* (13 CCR Sections 2700-2710). This rule establishes procedures for the verification of emission control strategies by ARB that can be applied on various diesel-fueled engines and vehicles to significantly reduce diesel PM emissions.

It is important to reduce diesel PM emissions from TRUs. Health & Safety Code sections 39666 and 39667 requires the ARB to adopt regulations to achieve the maximum possible reduction in public exposure to TACs through the application of best available control technology (BACT), or a more effective control method, in consideration of cost, risk, environmental impacts, and other specified factors.

Furthermore, the Children's Environmental Health Protection Act (Stats. 1999, Ch. 731) requires the California Environmental Protection Agency to specifically consider children in setting Ambient Air Quality Standards and in developing criteria for TACs. Office of Environmental Health Hazard Assessment (OE-HHA) identified diesel PM and several other TACs associated with motor vehicle exhaust among the top priority pollutants affecting children's health.

ARB staff has prepared an Initial Statement of Reasons (ISOR) for the proposed Airborne Toxic Control Measure for *In-Use Diesel-Fueled TRUs and TRU Generator Sets, and Facilities where TRUs Operate* (proposed ATCM) that, together with the needs assessment (Diesel Risk Reduction Plan), serves as the report on the need and appropriate degree of regulation for in-use TRUs.

#### **Description of the Proposed Regulatory Action:**

The proposed ATCM is designed to reduce the general public's exposure to diesel PM, other toxic contaminants, and criteria air pollutants from TRUs.

#### *Applicability*

The requirements of the proposed ATCM would affect owners and operators of "in-use" diesel-fueled TRUs and TRU generator sets that operate in California. This would include all carriers, whether based in California or out-of-state, that transport perishable goods using refrigerated trucks, trailers, shipping containers, and railcars within the state. Most TRUs are owned or operated by corporations, businesses, and individuals. There are a few local municipalities, school districts, and correctional institutions that operate TRUs that may be affected. Staff estimates that there are currently approximately 32,000 California-based TRUs, and 7,500 on-highway truck and trailer equipped TRUs, and 1,700 railcar TRUs that are based outside of California that operate in California at any given time.

#### *Requirements for in-use TRUs*

The proposed ATCM would require in-use TRU engines that operate in California, including out-of-state based TRUs that operate in California, to meet specific performance standards that vary by horsepower range. The in-use performance standards have two levels of stringency that would be phased in over time beginning in 2008. By December 31, 2008, all 2001 and earlier TRU engines that operate in California would have to meet "low emission TRU" performance standards. All 2002 TRU engines would have to meet the low emission TRU performance standard by December 31, 2009. Each subsequent model year engine (2003, 2004, etc.) would have to meet the "ultra-low emission TRU" performance standards seven (7) years after the engine model year (2003 model year engine must meet the ultra low emission TRU performance standard in 2010, 2004 model year engines in 2011, etc). In 2015, any 2001 and earlier model year engines that are still in operation would have to meet the ultra low emission TRU performance standards. In 2016, any 2002 model year TRU engines in operation would have to meet the ultra low emission TRU performance standards. The average useful life of a TRU is 10 years. The proposed ATCM in effect reduces the useful life of TRUs to 7 years. This accelerated retrofit or replacement sched-

ule will ensure that the entire TRU fleet will be ultra low emission TRUs by 2020. The proposed TRU performance standards are as follows:

- (1) For engines less than (<) 25 hp:
  - Low emission TRU performance standards
    - Meet a PM emission standard of 0.3 g/bhp-hr, or
    - Retrofit with a Level 2 or 3 Verified Diesel Emission Control System (verified control system<sup>1</sup>), or
    - Use an alternative technology.
  - Ultra low TRU performance standards
    - A PM emission standard is not being proposed at this time<sup>2</sup>, or
    - Retrofit with a Level 3 verified control system, or
    - Use an alternative technology.
- (2) For engines equal to or greater than (≥) 25 hp:
  - Low emission TRU performance standard
    - Meet a PM emission standard of 0.22 g/bhp-hr, or
    - Retrofit with a Level 2 or 3 verified control system, or
    - Use an alternative control technology.
  - Ultra low TRU performance standard
    - Meet a PM emission standard 0.02 g/bhp-hr, or
    - Retrofit with a Level 3 verified emission control system, or
    - Use an alternative technology.

The PM performance standards are based on the Tier 4 nonroad standards proposed by U.S. EPA in their May 23, 2003 Notice of Proposed Rulemaking for Control of Emissions of Air Pollutants from Nonroad Diesel Engines and Fuel (hereinafter referred to as Nonroad Standards) (U.S. EPA 2003). The verified retrofit control levels are based on staff's technical evaluation of what retrofits are likely to become verified by 2008. Given this uncertainty, staff is proposing to conduct technology reviews in 2007 and 2009 to evaluate technology readiness for the in-use requirements. Part of that technology evaluation would be to consider whether more stringent emission standards are feasible in the later years of the ATCM and if so what implementation schedule is appropriate.

<sup>1</sup> Verified Diesel Emission Control Strategy means an emission control strategy designed primarily for the reduction of diesel particulate matter emissions that has been verified per the *Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines (13 CCR Sections 2700–2710)*. PM reduction Level 1: ≥25%; Level 2: ≥50%; Level 3: ≥85% or 0.01 g/bhp-hr.

<sup>2</sup> ARB will conduct a technology review in 2007 and determine what PM emission standard is appropriate and recommend amendment to the ATCM as needed.

### *Alternative Technologies*

TRUs that elect to use one of the “alternative technologies” listed in the ATCM would qualify as an ultra low TRU. These alternative technologies include the use of electric standby, cryogenic temperature control systems, alternative fuel, alternative diesel fuel, fuel cell power, or any other system approved by the Executive Officer.

### *Incentive*

The proposal includes a provision that encourages operators of model year 2002 and earlier TRU engines to comply with the low emission TRU performance standards prior to December 31, 2008 (December 31, 2009 for model year 2002 only). This incentive would allow such engines to postpone, by up to three years, the date by which that engine must be replaced or retrofitted to comply with the ultra low TRU performance standard.

### *Compliance Provision*

Staff is proposing the use of an ARB identification numbering system. The I.D. numbers would include codes that indicated key compliance information such as model year of engine. California-based TRUs would be required to have I.D. numbers. For out-of-state based TRUs that operate in California, the use of ARB I.D. numbers would be voluntary. However, without such a coding system an inspector would have to physically open up the TRU compartment to verify that the unit contains a complying engine or retrofit system. This could result in significant downtime for the truck. The coding allows a quick inspection so that the trucks can get back on the road as quickly as possible. Given this situation, we anticipate that most owners of out-of-state TRUs will obtain ARB I.D. numbers for their TRUs.

### *Initial and Annual Reporting Requirements*

The proposed ATCM contains two reporting provisions. Owners of TRUs operating in California would be required to submit an initial report to ARB that provide information about the TRUs they operate in California. Updates would need to be provided as TRUs are purchased or sold. The information is needed to assist in the implementation of the ATCM. The second reporting provision applies to large facilities where TRUs operate. Distribution facilities with 20 or more doors serving a refrigerated storage area would be required to submit a one-time report to ARB. This information is needed to evaluate the overall effectiveness of the regulation in reducing diesel PM concentrations near facilities where numerous TRUs operate.

### *Warranty*

If a Verified Diesel Emission Control Strategy (VDECS) fails during the warranty period, the owner or operator of the TRU or TRU generator set must



replace it with the same VDECS or a higher verification classification level, if available.

If a VDECS fails outside its warranty period and a higher verification classification level VDECS is available, then the owner or operator of the TRU or TRU generator set shall upgrade to the highest level VDECS that is determined to be cost-effective by the Executive Officer.

#### *Other Comparable Federal Regulations*

There are no federal regulations comparable to the Proposed ATCM for in-use TRUs; however, the ATCM relies heavily on adoption and implementation of the proposed U.S. EPA's Tier 4 nonroad emissions standards for new diesel engines since engine replacement is one of many compliance pathways.

#### AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the potential environmental and economic impacts of the proposal, if any. The ISOR is entitled, *Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units and TRU Generator Sets, and Facilities Where TRUs Operate*.

Copies of the ISOR and the full text of the proposed regulatory language may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing which will begin on December 11, 2003.

Upon its completion, the Final Statement of Reasons (FSOR) will also be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

This notice, the ISOR and all subsequent regulatory documents, including the Final Statement of Reasons, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/trude03/trude03.htm>.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons, Tony Andreoni, Manager of the Process Evaluation Section, Emission Assessment Branch, Stationary Source Division at (916) 324-6021 or by email at [tandreoni@arb.ca.gov](mailto:tandreoni@arb.ca.gov), or Rod Hill, Air Resources Engineer, Stationary Source Division at (916) 323-0440 or by email at [rhill@arb.ca.gov](mailto:rhill@arb.ca.gov).

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination

Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594 or [sdorais@arb.ca.gov](mailto:sdorais@arb.ca.gov) as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

#### COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code section 11346.5(a)(5), the Executive Officer has determined that the proposed regulations will possibly impose a mandate on local agencies or school districts. The Executive Officer has further determined pursuant to Government Code section 11346.5(a)(6) that the proposed regulations will result in some additional costs to the Air Resources Board and other state agencies. In addition, the Executive Officer has also determined pursuant to Government Code section 11346.5(a)(6) that the proposed regulatory action will possibly create a cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code or other nondiscretionary costs or savings imposed on local agencies. The Executive Officer further determined that the proposed regulations will not result in costs or savings in federal funding to the state.

#### FISCAL IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Office has determined that the proposed regulatory action will have an impact, although insignificant, on costs to local agencies or school districts since it will include a mandate on a very small number of local agency or school district owned TRUs. Some minor costs will occur for the few local agencies and school districts that own or operate TRUs. We believe that the reporting costs to local agencies and to school districts will be negligible since many will be exempt from the facility reporting requirements, and the estimated operator reporting cost will be minor. Some costs will also occur in 2008 to upgrade TRUs to comply with the requirements in the ATCM. The capital cost of installing equipment in 2008 to comply with the ATCM will be between



\$2,000 and \$20,000 per TRU. However, the cost directly attributable to the ATCM is assumed only to range between \$2,000 to \$6,000, since most of the TRUs that will have to comply in 2008 will be at the end of their useful life and would be scheduled for replacement in any event. Statewide, the total number of TRUs owned or operated by local agencies and school districts are not known, but are expected to be very few. Thus, the cost impact to any local agency or school district should be very small.

#### **FISCAL IMPACT ON STATE AGENCIES OR FEDERAL FUNDING TO THE STATE**

Some minor costs will occur for correctional facilities that own and operate TRUs. We believe that the reporting costs to correctional facilities will be negligible since many will be exempt from the facility reporting requirements, and the estimated operator reporting cost will be minor. Some costs will also occur in 2008 to upgrade TRUs they own to meet the requirements in the ATCM. The capital cost of installing equipment to comply with the ATCM in 2008 will be between \$2,000 and \$20,000 per TRU. However, the cost directly attributable to the ATCM is assumed only to range between \$2,000 to \$6,000 per TRU since most of the TRUs that will have to comply in 2008 will be at the end of their useful life and would be scheduled for replacement in any event. The Department of Corrections (Corrections) owns approximately 20 TRUs. We believe that capital costs for Corrections in 2008, that are attributable to the ATCM, is between \$40,000 and \$120,000. Since these costs are insignificant compared to their overall budget, we believe that the costs will be able to be met within the existing budget.

The proposed ATCM will impose a cost to the ARB for TRU enforcement, for records management, and for issuing ARB identification numbers to operators or owners of TRUs. Initial costs to the ARB primarily involve developing the TRU database for tracking in-use TRUs and facility operations throughout the state. Additional cost will result from enforcement activities through the ARB's existing Heavy-Duty Vehicle Inspection program performed at various weigh stations throughout California and at various food distribution or cold storage facilities. The ARB is expected to incur annual costs to implement the TRU ATCM starting in the 2005 FY, but anticipates that the costs will be absorbed within their existing budgets.

The Executive Officer has also determined that the proposed regulatory action will not create costs or savings in federal funding to the State.

#### **FISCAL IMPACT TO BUSINESSES**

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact

directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts that representative private persons or businesses might incur in reasonable compliance with the proposed ATCM. The Executive Officer has initially assessed that the proposed regulatory action will affect the businesses that operate TRUs or have facilities that are frequented by TRUs. The costs for businesses and individuals that operate TRUs or TRU generator sets are estimated to be in the range of \$101 to \$168 million, over a 13-year period, which results in a cost-effectiveness between \$10 and \$20 per pound of diesel PM reduced.

In accordance with Government Code sections 11346.3 and 11346.5(a)(10), the Executive Officer has determined that the proposed regulatory action may lead to creation or elimination of some businesses. Due to the long lead-time for compliance, wide range of compliance options, and small business exemption, we believe that most businesses will be able to meet the compliance costs. However, it is possible that a small number of businesses (those with marginal profitability) may experience financial difficulty in complying with the regulation. Businesses that may be created include those that furnish, install, and maintain diesel emission control systems, as well as those that provide alternative compliance strategies. Engine manufacturers, TRU manufacturers, and TRU sales and service dealers are likely to see an increase in business due to accelerated attrition and other options to meet the in-use requirements of the regulation.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will have some impact on small businesses. We believe that a significant proportion of the TRU owners and operators are likely to be small businesses because approximately 80 percent of the TRU owners own 20 or less TRUs. Small business will incur costs in 2008 to retrofit and replace engines. ARB estimates the cost to a typical small business (own three TRUs) to be \$6,000 to \$60,000 in 2008. Of this total cost, ARB believes that \$2,400 to \$24,000 is attributable to the ATCM.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the ARB's Executive Officer has found that the reporting requirements of the regulation that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

In accordance with H&SC section 43013(c), the Executive Officer has determined that the standards and other requirements in the proposed ATCM are

necessary, cost-effective, and technologically feasible for agricultural operations (i.e., farm equipment).

A detailed assessment of the economic impacts of the proposed regulation can be found in the ISOR.

#### CONSIDERATION OF ALTERNATIVES

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action

#### SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions must be received **no later than 12:00 noon, December 10, 2003**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board  
Air Resources Board  
1001 "I" Street, 23rd Floor  
Sacramento, California 95814

Electronic mail is to be sent to: [trude03@listserv.arb.ca.gov](mailto:trude03@listserv.arb.ca.gov) and received at the ARB **no later than 12:00 noon, December 10, 2003**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, December 10, 2003**.

The Board requests but does not require 30 copies of any written submission. Also the ARB requests that written, facsimile, and e-mail statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

#### STATUTORY AUTHORITY

This regulatory action is proposed under the authority granted to the ARB in the California Health and Safety Code sections 39600, 39601, 39618, 39658, 39659, 39666, 39667, 43013, and 43018. This action is proposed to implement, interpret, or make specific, Health and Safety Code sections 39618, 39650, 39658, 39659, 39666, 39667, 40717.9, 43013, and 43018.

#### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the modifications are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

### TITLE 13. AIR RESOURCES BOARD

#### NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE VERIFICATION PROCEDURE, WARRANTY AND IN-USE COMPLIANCE REQUIREMENTS FOR IN-USE STRATEGIES TO CONTROL EMISSIONS FROM DIESEL ENGINES

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider amendments to the Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines.

DATE: December 11, 2003

TIME: 9:00 a.m.

PLACE: California Environmental  
Protection Agency  
Air Resources Board  
Central Valley Auditorium  
1001 "I" Street  
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 11, 2003, and may continue at 8:30 a.m., December 12, 2003. This item may not be considered until December 12, 2003. Please consult the agenda for the meeting, which will be available at least 10 days before December 11, 2003, to determine the day on which this item will be considered.

If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at

(916) 322-5594 or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

#### INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

**Sections Affected:** Proposed amendments to sections 2701, 2702, 2703, 2704, 2705, 2706, and 2707, title 13, California Code of Regulations (CCR).

**Background:** In 1998 the Air Resources Board (ARB or Board) identified diesel particulate matter emissions from diesel-fueled engines as a toxic air contaminant (title 17, CCR, section 93000). The ARB adopted the Diesel Risk Reduction Plan (DRRP or Plan) in 2000, which established a goal of reducing emissions and the resultant health risk from virtually all diesel-fueled engines and vehicles within the State of California by the year 2020. The Plan envisioned that diesel particulate matter emissions should be reduced by 75 percent in 2010 and 85 percent in 2020. To achieve those goals, the Plan identified various methods including more stringent standards for all new diesel-fueled engines and vehicles, the use of diesel emission control strategies on in-use engines, and the use of low-sulfur diesel fuel.

To carry out the component of the DRRP that concerns implementation of in-use emission control strategies, ARB staff developed a procedure to verify emissions reductions achieved by strategies, which also includes warranty and in-use compliance requirements (the Procedure). The Board approved the Procedure at the May 16, 2002 public hearing with various modifications. The modifications to the Procedure were distributed with the Notice of Public Availability of Modified Text, released on January 29, 2003. The modifications and the rationale behind them are described in that notice.

Both during and after the periods of public comment, staff has maintained a dialogue with stakeholders. As a result of this on-going dialogue, staff determined that changes could be made to improve the Procedure and better enable ARB to meet the goals of the Plan. The proposed changes are briefly described in the next section.

**Proposed Amendments:** Summarized below are the four most significant proposed amendments to the Procedure. Additional proposed amendments include minor definitional changes and clarifications, which are shown in the Initial Statement of Reasons and the attachments thereto.

- (1) Warranty requirements: In developing the warranty requirements for verification, staff tried to strike a balance between the interests of the end-users and the manufacturers of emission control systems. Sometimes, the views of the two groups can seem to be almost diametrically

opposed. Nevertheless, staff recognizes that it is imperative that Californians' exposure to diesel particulate matter be reduced to the greatest extent possible and that a viable warranty is necessary to achieve this goal. Achieving this goal is in jeopardy because the manufacturers of diesel emissions control strategies perceive that the current warranty requirement presents them with too great a liability to participate in the verification process, and end-users perceive it as providing insufficient consumer protection.

Subsequent to the approval of the Procedure by the Board, manufacturers of diesel emission control strategies began voicing significant concerns to staff regarding the Procedure's warranty requirements. Although manufacturers' concerns over the warranty were lessened by various clarifications made by staff, they were not completely resolved. Full resolution will require that the Board consider amendments to the Procedure. The mandatory warranty for verified diesel emission control systems currently includes coverage of damage to the engine and vehicle or equipment that is proximately caused by the control system. It is primarily the inclusion of the vehicle or equipment in the warranty coverage that has prevented manufacturers of emission control systems from agreeing to participate in the verification process. Their primary concern is the potential for end-users to make spurious claims with the goal of obtaining new vehicles or equipment.

The California Trucking Association (CTA), representing end-users, has repeatedly stated that the duration of warranty coverage is insufficient. Even if coverage of vehicle/equipment damage is removed, staff points out that the warranty affords far more protection than that required under the United States Environmental Protection Agency's (U.S. EPA) Urban Bus Retrofit/Rebuild program, which was another mandatory emission control effort directed at in-use fleets. As with warranties offered by engine manufacturers, the U.S. EPA's required warranty did not include coverage of vehicle/equipment damage. In addition, it has been staff's experience that the potential for a verified emission control strategy to cause non-engine related damage is minimal. In the unlikely event that such damage should occur, however, all the standard avenues for relief from secondary damages remain intact. Therefore, even without coverage of vehicle/equipment damage, staff does not believe that end-users would be left without relief. Moreover, there will be no cost impacts associated with the proposed amendment.



In an effort to achieve the goals of the DRRP while still maintaining a reasonable degree of consumer protection, staff therefore proposes that mandatory warranty coverage extend only to the engine, and not to the vehicle or equipment with which the control system is used.

- (2) NO<sub>2</sub> Limit: Another component of the Procedure in need of amendment relates to the nitrogen dioxide (NO<sub>2</sub>) emission limit. The Procedure currently states that beginning on January 1, 2004, post-control NO<sub>2</sub> emissions from an engine using a diesel emission control strategy must not exceed 20 percent of the total baseline (pre-control) NO<sub>x</sub> emissions. After that date, systems that do not meet the limit will not be verified and may not be installed. At present, the effective date is only months away and no Level 3 systems have been verified that meet the NO<sub>2</sub> limit. Therefore, unless new compliant systems are verified soon, California stands to lose valuable early field experience and PM reductions that can be gained prior to the implementation of proposed rules that would require installation of a verified diesel emission control strategy on certain vehicle fleets. Furthermore, significant questions have arisen surrounding the accuracy of the assumptions that led to selection of the 20 percent limit and the nature of engine-out NO<sub>2</sub> emissions. For those reasons, staff proposes that the effective date of the NO<sub>2</sub> limit be changed from January 1, 2004 to January 1, 2007. The three-year delay should give staff the time it needs to gather additional data and develop a better understanding of the questions surrounding the NO<sub>2</sub> issue. It will also give manufacturers more time for product development aimed at reducing NO<sub>2</sub> emissions. To prevent possible negative side-effects of higher NO<sub>2</sub> emissions, the delay ends before widespread implementation of diesel emission control strategies is expected to occur. The delay also eliminates the potential for economic impact arising from the amendments.
- (3) Proposed Verification Testing Protocol: Section 2702(b) of the Procedure describes the requirements for the Proposed Verification Testing Protocol that the applicant must prepare. One of the subsections of the protocol requires that the applicant describe its system's principles of operation. Staff must develop a good understanding of the system for several reasons, principal among them being the need to determine whether additional analyses for other harmful pollutants are necessary. The Procedure currently lacks a formal process for handling those control systems that appear to rely on principles not generally understood or accepted by the scientific world. To

fill that need, staff proposes that the applicant must demonstrate that its product relies on sound principles of science and engineering to achieve emission reductions. If the Executive Officer determines that the applicant has not made a satisfactory demonstration after two attempts, the application may be suspended. If an application has been suspended, it may only be reactivated at the discretion of the Executive Officer. Staff also proposes that if at any point in the verification process the Executive Officer has reason to doubt the scientific or engineering soundness of a product, the Executive Officer can require the applicant to provide further substantiation or risk suspension of the application or revocation of an existing verification.

- (4) Harmonization of Durability Requirements: The Procedure requires that the applicant conduct emission reduction testing with the diesel emission control strategy both before and after the service accumulation period. The verification protocol used to support the U.S. EPA Voluntary Diesel Retrofit Program calls for testing of both a pre-conditioned (or "de-greened") unit and an aged unit at the same point in time, with testing of a single unit at two different times (before and after service accumulation) left as an option. The primary advantages of the first option are that it reduces the cost of testing and minimizes test condition variability to the extent that the two units are indeed identical. To further harmonize with U.S. EPA's program and to offer more flexibility to applicants, staff proposes that the applicant be allowed to request that the Executive Officer consider the testing of two identical units, one that has been pre-conditioned and another that has completed the service accumulation period. In reviewing the request, the Executive Officer may consider all relevant information, such as whether a system causes any changes in engine operation over time and the quality of the evidence the applicant can provide to support that the two units are identical.

#### COMPARABLE FEDERAL REGULATIONS

The U.S. EPA has published a draft document, "General Verification Protocol for Diesel Exhaust Catalysts, Particulate Filters, and Engine Modification Control Technologies for Highway and Nonroad Use Diesel Engines," but has not promulgated formal regulations for this verification protocol. This verification protocol is intended to support the voluntary retrofit programs initiated by the U.S. EPA, while the staff's proposal is to support the ARB's Diesel Risk Reduction Plan.



#### **AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS**

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the environmental and economic impacts of the proposal.

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on ARB's web site listed below, or may be obtained from ARB's Public Information Office, Environmental Services Center, 1001 "I" Street, First Floor, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing (December 11, 2003).

Upon its completion, the Final Statement of Reasons (FSOR) will also be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

Inquiries concerning the substance of the proposed amendments may be directed to the designated agency contact persons, Mr. Paul Henderick, Air Resources Engineer, Retrofit Assessment Section, at (626) 350-6440, or Mr. Scott Rowland, Manager, Retrofit Assessment Section, at (626) 575-6972.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594 or [sdorais@arb.ca.gov](mailto:sdorais@arb.ca.gov) as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR when completed, will be available on the ARB Internet site for this rulemaking at  
<http://www.arb.ca.gov/regact/verpro03/verpro03.htm>.

#### **COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED**

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings, to any state agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other non-discretionary savings to State or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or businesses directly affected.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the proposed regulatory action will not affect small businesses because participation in the Procedure is purely voluntary with respect to any business. There are no cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the ARB's Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **SUBMITTAL OF COMMENTS**

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be

considered by the Board, written submissions must be received by **no later than 12:00 noon, December 10, 2003** and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board  
Air Resources Board  
1001 "I" Street, 23rd Floor  
Sacramento, California 95814

Electronic mail is to be sent to:

[verpro03@listserv.arb.ca.gov](mailto:verpro03@listserv.arb.ca.gov)

and received at the ARB **no later than 12:00 noon, December 10, 2003.**

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, December 10, 2003.**

The Board requests, but does not require, that 30 copies of any written statement be submitted at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of the staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

#### STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, and 43105, 43600, 43700 of the Health and Safety Code. This action is proposed to implement, interpret and make specific sections 39650-39675, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107, and 43204-43205.5 of the Health and Safety Code and Title 17 California Code of Regulations section 93000.

#### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the Board's Public Information Office, 1001 "I" Street, Sacramento, CA 95814, (916) 322-2990.

## TITLE 15. DEPARTMENT OF CORRECTIONS

California Code of Regulations  
Crime Prevention and Corrections  
Division 3

### NOTICE OF PROPOSED REGULATIONS

**NOTICE IS HEREBY GIVEN** that the Director of the California Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058, in order to implement, interpret, and make specific PC Section 5054, proposes to amend Sections 3040, 3041, 3041.1, 3042.2 and 3043.5 of the California Code of Regulations (CCR), Title 15, Division 3 concerning monetarily compensated inmate work (inmate pay).

#### PUBLIC HEARING

Date and Time: December 30, 2003  
1:00 PM to 3:00 PM

Place: Resources Agency Auditorium  
1416 Ninth Street  
Sacramento, CA 95814

Purpose: To receive comments about this action.

#### PUBLIC COMMENT PERIOD

The public comment period will close December 30, 2003 at 5:00 p.m. Any person may submit public comments in writing (by mail, fax or e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDC Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 322-3842; or by e-mail at [RPMB@executive.corr.ca.gov](mailto:RPMB@executive.corr.ca.gov) before the close of the comment period. The hearing site identified above is accessible to mobility impaired individuals.

#### CONTACT PERSON

Please direct any inquiries regarding this action to:

Rick Grenz, Chief,  
Regulation and Policy Management Branch  
Department of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Telephone (916) 322-9702

In the event the contact person is unavailable, inquires should be directed to the following back-up person:

Ellery Kuhn, Regulations Specialist  
Regulation and Policy Management Branch  
Telephone: (916) 322-9702

Questions regarding the substance of the proposed regulatory action should be directed to:

Fred Lembach, Correctional Lieutenant  
Operational Review Unit, Institutions Division  
Telephone: (916) 327-5034

#### **LOCAL MANDATES**

This action imposes no mandates on local agencies or school districts, or a mandate that requires reimbursement pursuant to Government Code Sections 17500 through 17630.

#### **FISCAL IMPACT STATEMENT**

- Cost or savings to any state agency: None
- Other non-discretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None

#### **EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

#### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS**

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **EFFECT ON SMALL BUSINESSES**

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by this change in the internal management of state prisons.

#### **ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION, OR EXPANSION**

The Department has determined that the proposed regulation will have no effect on the creation of new or

the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

#### **CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

#### **AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS**

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains these items and all information on which the proposal is based (i.e., rulemaking file), will be made available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and the Notice of Proposed Action will also be made available on the Department's website at

<http://www.cdc.state.ca.us>.

#### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person, or viewed on the Regulation and Policy pages of the Department's website at

<http://www.corr.ca.gov/RegulationsPolicies/>.

#### **AVAILABILITY OF CHANGES TO PROPOSED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.



**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

PC Section 5054 vests the Director with the supervision, management, and control of the prisons; and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

The Department proposes amending various existing sections of the CCR which pertain to and govern monetarily compensated inmate work, commonly referred to as "inmate pay."

Changes in Section 3040 are made in order to more clearly frame the issue of monetarily compensated inmate work. Inmate compensation is an option available to the Director. However, the determination of which assignments will actually be paid and the rate of pay for any particular assignment will be made at the individual institution level. Each institution shall administer paid positions consistent with allotted budgets with the assistance of Department and institutional-level pay committees, which will provide added oversight for all inmate pay matters. That the criteria used in determining which positions are paid or changed to non pay status are funding, job performance, seniority, and conduct is newly stated, as is the fact that a paid position, rate of pay and/or eligibility to earn pay is a privilege. Certain inmate assignments are specified as non pay, allowing for explicitly identified exceptions. Other changes are made so as to provide defensible regulatory rationale and thereby a means of resolving disputes regarding a number of matters relevant to rotation in assignment, temporary suspension of position or pay, and the primacy of operational need.

Amendments in Section 3041 address certain performance and documentation matters, such as timekeeping and pay only for authorized absences.

Substantive and editorial revisions in Section 3041.1 add explanatory emphasis to such matters as institutional criteria for paid positions, the use of applications and/or resumes in the selection of skilled workers and the ranking of assignments on the basis of technical skill. The Department will use the skill level designations specified by the US Department of labor in order to maintain system wide continuity. The skill level provisions will be directly linked to the system wide standardized pay schedule set forth in Section 3041.2. This schedule is intended for use as a "matrix" of compensation parameters and skill level to provide consistency in determining the relative worth of any particular inmate job assignment throughout the institutions.

Extraordinary pay rates, pay increases, job evaluations, and adjustments in the designation of paid

Inmate Advisory Council positions are addressed in other revisions being made in Subsections 3041.2 and 3043.5.

**TITLE 17. DEPARTMENT OF  
DEVELOPMENTAL SERVICES**

**NOTICE OF PROPOSED RULEMAKING**

**RECORDS MAINTENANCE**

The California Department of Developmental Services (Department) proposes to amend Title 17, California Code of Regulations (CCR), Division 2, Chapter 1, Subchapter 6, Article 1, Section 50604, Service Provider Record Maintenance Requirements; Division 2, Chapter 1, Subchapter 6, Article 1, Section 50608, Contract Duties and Responsibilities; Division 2, Chapter 3, Subchapter 2, Article 2, Section 54326, General Requirements for Vendors and Regional Centers; Division 2, Chapter 3, Subchapter 2, Article 3, Section 54355, Vouchers; Division 2, Chapter 3, Subchapter 2, Article 4, Section 54370, Termination of Vendorization for Noncompliance; Division 2, Chapter 3, Subchapter 2, Article 2, Section 54326, General Requirements for Vendors and Regional Centers; Division 2, Chapter 3, Subchapter 4, Article 2, Section 56003, Residential Services Orientation; Division 2, Chapter 3, Subchapter 4.1, Article 3, Section 56082, Contract and Vendorization; Division 2, Chapter 3, Subchapter 9, Article 4, Section 57540, Service Contracts Between the Regional Center and Community-Based Day Program Vendors; Division 2, Chapter 3, Subchapter 18, Article 2, Section 58510, General Requirements Applicable to Regional Centers; Division 2, Chapter 3, Subchapter 19, Article 8, Section 58671, Contract Requirements.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on December 8, 2003. The Department will only consider comments received at its headquarters by that time. Please submit all comments to the Department's contact person as designated in the Notice.

**PUBLIC HEARING**

A public hearing to receive comments on the proposed rulemaking is scheduled for December 8, 2003. The hearing will be held in Room 360 at the Bateson Building, 1600 9th Street, Sacramento, California. The hearing will begin at 10:00 a.m. and conclude at 12:00 p.m. The Department requests that



persons who make oral comments at the hearing submit two (2) written copies of their testimony at the hearing. This room is wheelchair accessible.

#### **AUTHORITY AND REFERENCE**

Authority: Chapter 157, Statutes of 2003; Chapter 1095, Statutes of 1994, Section 14; Sections 4405, 4631, 4631(a)(2), 4648(a), 4648(a)(3), 4648.1, 4648.2, 4681.1, 4689.1, 4689.7(c), 4690, 4690.1, 4691, 4691.5, 4742, 4748 Welfare and Institutions Code; and Section 11152, Government Code.

Reference: Sections 4500, 4501, 4502, 4525, 4629(f), 4631, 4646, 4646.5, 4648, 4648(a), 4648(a)(3)(B), 4648.1, 4648.3, 4681.1, 4689(e), 4689.1, 4689.7(c), 4690, 4690.1, 4691, 4691.5, 4740, 4742, 4748 Welfare and Institutions Code; and 42 U.S.C. Section 1396m.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Department proposes to increase funding received from the federal government for consumers who are eligible to receive services under the Home and Community-based Services Waiver (Waiver). Existing regulations require vendors to maintain detailed records. The proposed changes will clarify the details of the records vendors are required to maintain per federal requirements. The Department also proposes giving regional centers the authority to terminate vendorization which threatens the health and safety of the consumer(s).

#### **Section 50604(d)(2), (3), (3)(A), (3)(B), (3)(C), (3)(D), and (3)(E)**

Changes and additions are proposed to ensure that any and all pertinent information required by the agreement between the Department and the federal government on consumers who receive Waiver services is collected by the vendors.

#### **Section 50608(c), (d) and (e)**

Two new subsections, (c) and (d), are proposed to include a provision in vendor contracts to ensure that the vendor will maintain the required service records to support all billings/invoices and that such records will be submitted to the regional centers with the billings/invoices. The previous subsection (c) was changed to (e).

#### **Section 54326(a)(3)(B)**

Changes are proposed to ensure that any and all pertinent information required by the federal government on consumers who receive Waiver services are collected by the vendors.

#### **Section 54326(a)(3)(C)**

This subsection has been added to ensure vendors include attendance data collected per Section

54326(a)(3)(B) with the billings/invoices to the regional center for the billing period.

#### **Sections 54326(c), (d) and (e)**

Subsection (c) has been added to ensure regional centers submit the information received by the service providers to the Department on a monthly basis. The previous subsection (c) was changed to (d) and (d) was changed to (e).

#### **Section 54370(a) and (b)(7)**

Language which limits regional centers' ability to terminate vendorization which threatens the health and safety of the consumer(s) is being deleted from subsection (a). Subsection (b)(7) is being added giving regional centers the authority to terminate vendorization which threatens the health and safety of the consumer(s).

#### **Section 56003(a)(1)(A), (B), (C), (D), (E), (F), (G)**

Subsection (a)(1)(A) is being added to clarify the information to be provided by the regional centers in the orientation of residential providers shall include the record maintenance requirements pursuant to Section 50604. Subsections (B), (C), (D), (E), (F), and (G) are being re-lettered due to subsection (A) being added. Changes were also made to the references in subsection (B) to correct incorrect references.

#### **Section 56082(a)(1), (2) and (3)**

Subsection (a)(1) has been added and contains language which was previously a part of subsection (a). Subsection (a)(2) is being added to require a contract provision ensuring that FHAs maintain service records to support all billing/invoicing as specified in Section 50604(d)(1) through (3)(E), as applicable. Subsection (a)(3) is being added to ensure that vendors submit to the regional center with their billing/invoices the information specified in subsection (a)(2) for the billing period.

#### **Section 57540(c)(3) and (e)(2)**

Changes are being proposed to subsection (c)(3) to specify that each regional center and vendor mutually agree, in writing, that any units of service reimbursed other than a daily or hourly rate shall also be maintained pursuant to Section 50604(d)(3)(A) through (E), as applicable. Changes proposed to subsection (e)(2) are for contracts to require that vendors agree to maintain service information in accordance with the provisions of Section 50604(d)(1) through (3)(E), as applicable.

#### **Section 57540(e)(3)**

A new subsection, (e)(3), is being proposed to ensure that regional centers include a contract provision specifying that vendors maintain service

records to support all billings/invoicing and that such records are submitted to the regional centers with the billings/invoices.

**Section 58510(b)(3) and (c)(2)**

Subsection (b)(3) is now obsolete and is thus being deleted. Changes to subsection (c)(2) are being proposed to specify information regional centers are required to submit to the Department monthly.

**Section 58671(h) and (i)**

Subsection (h) is being added to specify that a contract provision be included ensuring that vendors maintain service records to support all billing/invoicing as specified in Section 50604(d)(1) through (3)(E), as applicable. Subsection (i) is being added to specify that a contract provision be added ensuring that vendors submit to the regional center with their billing/invoices the information specified in (h) for the billing period.

**EFFECT ON SMALL BUSINESS**

The Department has determined that the proposed regulations will affect small businesses.

**FISCAL IMPACT DETERMINATIONS**

The Department has determined that the proposed regulatory action does not impose: 1) a mandate on local agencies or school districts, 2) significant costs or savings to any state agency, 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630, or 4) other nondiscretionary costs or savings imposed on local agencies. However, it will bring in additional federal funding to the State which will reduce costs to the State's general fund.

**ECONOMIC IMPACT AND  
BUSINESS ASSESSMENT**

The proposed action has been assessed relative to the extent that it will create new jobs within the State of California, help in the creation of new business within the State and expansion of businesses currently doing business within the State of California. Based on the Department's findings it is anticipated that the proposed action will have no economic effect on the creation of new jobs and new businesses within the State of California. The Department has also determined this proposed action will not eliminate jobs or existing businesses.

The Department has determined that the proposed regulations will not have: 1) a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states, or 2) a significant effect on housing costs. The Department is

not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ALTERNATIVES CONSIDERED**

The Department has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present written statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

**CONTACT PERSON**

General and substantive inquiries concerning the proposed action may be directed to:

Department of Developmental Services  
Community Rate Section  
1600 Ninth Street, Room 310  
Sacramento, CA 95814  
Attention: Lisa Primeaux  
Phone: (916) 654-2199  
Facsimile: (916) 654-1578  
E-mail Address: [lprimeau@dds.ca.gov](mailto:lprimeau@dds.ca.gov)

If the above person is unavailable, you may also contact Glenda Davis, Chief, Community Rate Section at (916) 654-2201.

**AVAILABILITY OF  
RULEMAKING DOCUMENTS**

The Department has prepared and has copies ready for public review an Initial Statement of Reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the exact text of the proposed regulations.

Copies of the Notice, Initial Statement of Reasons and text of the proposed regulations will be made available through the Department's website at [www.dds.ca.gov](http://www.dds.ca.gov). All other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact persons at the above address. Upon completion, the Final Statement of Reasons will be made available by either contacting the persons above or through the Department's website.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After close of the comment period the Department may adopt the proposed regulations as described in this notice. If the Department makes modifications

that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before the Department adopts the regulations as revised. Requests for the modified text should be made to the contact person named above.

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF HEALTH SERVICES

Notice is hereby given that the Drug Use Review (DUR) Board will conduct a public meeting on November 17, 2003 in the Department of Health Services' at 1500 Capitol Avenue, Room 72.163, Sacramento, CA 95814.

#### AGENDA

1. DUR Drug Information/Alert Incidence Updates
2. DUR Projects and Disease Management—Overview and Update
3. DUR Related Activities—Step Therapy and Education
4. Operational Issues
5. Miscellaneous Topics

Speaker Request Forms will be available at the meeting or may be obtained by contacting Electronic Data Systems Corporation, 3215 Prospect Park Drive, Rancho Cordova, CA 95670. Attention: DUR Pharmacist Jude Simon-Leack, Pharm.D., and MSW.

### FISH AND GAME COMMISSION

#### NOTICE OF PROPOSED CHANGES IN REGULATIONS

(Continuation of Register 2003, No. 37-Z and Commission Meeting of August 4, 2003; and Register 2003, No. 39-Z, and Commission Meeting of August 29, 2003)

**(NOTE: To be responsive to public input on proposed changes in the sport fishing regulations, the Commission is exercising its powers under Section 202 of the Fish and Game Code. Some changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. See the text of this notice.)**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 205, 220 and 315 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206 and 220 of said Code, proposes to amend sections 1.17, 1.59, 2.10,

5.00, 5.50, 5.75, 7.00, 7.50, 8.00 and 27.60, 29.15, 43 and 195, Title 14, California Code of Regulations (CCR), as part of the proposed Sport Fishing Regulations for years 2004 and 2005 (as explained in the following two paragraphs).

Proposed changes to sections as set forth in the first and second notices regarding Sport Fishing Regulations (Notice Register 2003, Nos. 37-Z and 39-Z, published September 14, 2003 and September 26, 2003) remain the same, **except for additional public recommendations proposed for Subsection 7.50(b)(68) and 8.00** (see Informative Digests below).

**In addition, changes have also been proposed to subsections 7.50(b)(156)(E)(see Informative Digests below).**

#### INFORMATIVE DIGESTS/POLICY STATEMENT OVERVIEW

#### **Subsection (b)(68) of Section 7.50, Re: Feather River Salmon and Steelhead**

Sacramento River system spring-run Chinook salmon are listed as threatened under both State and federal endangered species acts. Although the population has remained stable in recent years, the Department is attempting to better differentiate the spring and fall runs, and is proposing to reduce the current level of spring-run Chinook harvest.

Current regulations in the Feather River allow angling for spring-run Chinook salmon, and based on recent angler survey results, approximately 2,000 spring Chinook are harvested in the Feather River by anglers during the period April through June. During January 1 through September 30, up to 3 salmon per day are allowed to be harvested from the Highway 70 Bridge to the mouth of Honcut Creek, and 2 salmon per day from the mouth of Honcut Creek to the Feather River mouth.

The Department is concerned that the present harvest level of spring-run Chinook salmon in the Feather River is too great to affect recovery for this threatened species. ~~This concern is supported by the inability of Feather River Hatchery to meet its egg production goal of 7 million eggs because of insufficient numbers of spawners. Last year, the spring-run Chinook egg take was 2.3 million eggs, only 33 percent of the goal.~~

To accomplish reduced harvest of spring-run Chinook salmon in the Feather River, the Department is recommending the closure of some areas to fishing and reducing the bag limit during the period when spring-run Chinook are most vulnerable to angling. These changes include: (a) prohibit angling from the Table Mountain bicycle bridge to the Highway 70 Bridge during ~~March 4~~ July 16 through December 31, (b) ~~from the Highway 70 Bridge to the~~



~~Feather River mouth, reduce the salmon bag limit to 0 during March 1 through July 31, and (c) prohibit fishing all year within an area 100 yards upstream or downstream of the Thermalito Afterbay outlet.~~

~~Under the proposed regulations, anglers will still have the opportunity to catch and retain 3 Chinook salmon during the peak fishing months of August and September. (b) from the Highway 70 Bridge to the Feather River mouth Highway 20 bridge, reduce the salmon bag limit to 0 1 during March 1 through July 31 15, and (c) prohibit fishing all year within an area 100 yards upstream and downstream of the Thermalito Afterbay outlet. Under the proposed regulations, anglers will still have the opportunity to catch and retain 3 Chinook salmon during the peak fishing months of August and September. (c) Reduce the bag limit to 0 from Highway 20 to the Feather River mouth during March 1 through July 15 to prevent the harvest of Yuba River spring-run Chinook. Anglers will have an opportunity to harvest three salmon from the Highway 70 bridge to Sunset Pumps from July 16 through September 30, and from Sunset Pumps to the mouth from July 16 through the last day in February.~~

~~The Department is also proposing to increase the bag limit of steelhead from 1 to 2 hatchery trout or hatchery steelhead. There is a surplus of hatchery-steelhead spawners that should be made available for angler harvest.~~

~~The Department is also proposing to replace Honcut Creek with Sunset pumps as a dividing point between regulatory subsections. This change will make river sections defined in regulation consistent with creel survey sections thereby facilitating evaluation of angling regulations.~~

#### **Section 8.00 Re: Low-flow Restrictions for South Central Coast Streams**

Current regulations require the Department to close the main stem Carmel River to fishing when stream flows are less than 135 cubic-feet-per-second (cfs). Low-flow closures are generally put in place to avoid excessive and repetitive catch-and-release angling pressure on steelhead that may be trapped in individual pools because stream flows are inadequate to allow them free passage upstream. Low-flow conditions generally occur during years of below normal rainfall.

In order to avoid excessive angler contact of steelhead during low stream flow conditions in the Carmel River and other anadromous streams of the South Central Sport Fishing District, the Department is proposing the following low-flow fishing closures:

1. Carmel River, reduce the low-flow closure trigger from 135 cfs to 80 cfs. The low-flow closure on the

Carmel River will be applied to four adjacent creeks, San Jose, Gibson, Malpas, Soberanes

2. Big Sur River, a 40 cfs low-flow closure. Low flow closures on the Big Sur River would also apply to all other coastal streams of the Big Sur coast in Monterey County from Granite Creek south to Salmon Creek.

**The Department is proposing to add low-flow closures for all other steelhead streams in coastal San Mateo, Santa Cruz, and Monterey counties, the lower Salinas River, and one Bay Area stream using gauges on index streams to represent adjacent and analogous watersheds. The specific low-flow values that will trigger angling closures are to be developed based on gauging station flows and measurements of water depth and channel geometry that determine fish passage ability. It is expected that these values will be available for the 2005 angling regulation cycle. In the interim, the Department is proposing to close the below streams to angling when the Department determines through various sources of information that low stream-flows are impeding fish passage and fish are being exposed to excessive angling pressure without means of escape. Streams proposed to be used for low-flow gauging that could trigger angling closures are:**

3. Pajaro River and all its tributaries ~~(between 40 to 150 cfs)~~: **based on the lower Pajaro River USGS gauge.**
4. Salinas River, lower main stem below its confluence with the Arroyo Seco River **based on the USGS Salinas River gauge near Spreckels; and also the Arroyo Seco River based on both the USGS Arroyo Seco gauge near Greenfield and the Spreckels gauge in Monterey County.**
5. Arroyo Seco River based on both the USGS Arroyo Seco gauge near Greenfield ~~(between 40 to 150 cfs)~~ and at the Spreckels gauge in Monterey County. ~~(between 40 to 250 cfs)~~.
6. Aptos and Soquel creeks ~~(between 8 to 50 cfs)~~ based on the USGS Soquel Creek gauge in Santa Cruz County.
7. San Lorenzo River and adjacent streams north to Waddell Creek in Santa Cruz County. ~~(between 40 to 140 cfs)~~.
8. Pescadero Creek ~~(between 8 to 50 cfs)~~ and San Mateo County coastal streams from Elliot Creek to Milagro Creek.
9. Coyote Creek downstream of its confluence with Upper Penitencia Creek, and Upper Penitencia Creek. ~~(20 to 40 cfs)~~.



**Subsection (b)(156)(E) of Section 7.50 Re:  
Angling Regulations in the Sacramento River**

Current regulations in the Sacramento River from Keswick Dam downstream to the Deschutes Road bridge in Redding allow the take of one wild trout and one hatchery trout from April 30 through August 30, and zero wild trout and one hatchery trout from August 31 through March 31. These regulations have proven to be confusing and potentially unnecessarily restrictive, and may not provide suitable protection for steelhead.

This proposal recommends opening this section of the Sacramento River to fishing all year with a one trout, 16-inch maximum, daily bag limit. The zero bag limit for salmon and the required use of barbless hooks remains unchanged.

The proposed change will continue to provide the protection necessary for the wild trout and salmon populations by retaining the current zero bag limit on salmon and minimizing take on wild trout to insignificant levels. The 16-inch size restriction is intended to protect federally Threatened wild steelhead. Studies have shown that trout less than 16 inches in length have not been to the ocean. Juvenile wild steelhead typically smolt and leave the system before they reach 10 inches in length. It can be safely assumed that nearly all trout between 10 and 16 inches are resident fish. Anglers in this reach of the Sacramento River rarely take trout smaller than 10 inches. Therefore, essentially all potentially harvested fish will be wild trout (resident), with no impact to wild steelhead.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hubbs-Sea World Research Institute, 2595 Ingraham Street, San Diego, CA, on November 7, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may also be submitted to the Fish and Game Commission office at the address given below.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA, on December 5, 2003, at 8:30 a.m., to consider adoption of the proposed Sport Fishing Regulations for the 2004 and 2005 seasons.

Draft environmental documents associated with the proposed regulatory actions are made available for comment commencing September 10, 2003. Oral or written comments relevant to these documents will be received at the October 3, 2003, meeting in Redding. Written comments on these documents may be submitted to the Commission office (address given herein) until 5:00 p.m., October 27, 2003. Draft environmental documents are available for review at

the Commission office and at the Department of Fish and Game's headquarters office (same address as Commission). Copies of the documents are also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Bishop, Eureka, Menlo Park, Monterey, Chino and San Diego. **NO WRITTEN COMMENTS ON THE DRAFT ENVIRONMENTAL DOCUMENTS WILL BE ACCEPTED AFTER 5:00 P.M. ON OCTOBER 27, 2003.**

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rule-making file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert Treanor or Jon Snellstrom at the preceding phone number. Jim Hopelain, (916) 445-3597, (Inland) Fisheries Program Branch, and Don Schultze (916) 651-7670, (Ocean Fishing) Marine Region have been designated to respond to questions on the substance of the proposed regulations. Copies of the initial statement of reason, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

**AVAILABILITY OF MODIFIED TEXT**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

# IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

## Subsection (b)(68) of Section 7.50, Re: Feather River Salmon and Steelhead Section 8.00 Re: Low-flow Restrictions for South Central Coast Streams

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

## Subsection (b)(156)(E) of Section 7.50 Re: Angling Regulations in the Sacramento River

The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed changes are expected to maintain angler satisfaction and provide necessary protection to the wild trout and salmon fishery.

# RE: ALL PROPOSED CHANGES

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

# EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

# CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

## PROPOSITION 65

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986  
(Proposition 65)

# NOTICE TO INTERESTED PARTIES

CHEMICAL LISTED EFFECTIVE  
**October 24, 2003**

## AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE REPRODUCTIVE TOXICITY

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *di(2-ethylhexyl)phthalate (DEHP)* to the list of chemicals known to the State to cause reproductive toxicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The listing of *di(2-ethylhexyl)phthalate (DEHP)* is effective **October 24, 2003**.

*Di(2-ethylhexyl)phthalate (DEHP)* (CAS No. 117-81-7) is listed as a chemical known to the State of California to cause reproductive toxicity for the developmental and male reproductive endpoints. The listing of *DEHP* is based on a formal identification by the authoritative bodies (i.e., the National Institute for Occupational Safety and Health ["NIOSH"] and the U.S. Food and Drug Administration ["FDA"]) that this chemical causes developmental and male reproductive toxicity. Regulations governing the listing of chemicals under the "authoritative bodies" mechanism are published in Title 22, California Code of Regulations, Section 12306 (22 CCR 12306).

The reader is directed to the Notice of Intent to List *di(2-ethylhexyl)phthalate (DEHP)* published in the April 11, 2003, issue of the *California Regulatory Notice Register* (Register 03, No. 15-Z) for the documentation supporting OEHHA's determination that the criteria for administrative listing have been

satisfied for this chemical. The documentation was developed to explain the basis for listing *DEHP* via the authoritative bodies provision of Proposition 65. OEHHA analyses of dose response data to establish a maximum allowable dose level (MADL) for *DEHP* under Proposition 65 have not been conducted. The priority status of the development of such analyses will be announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at [www.oehha.ca.gov/prop65](http://www.oehha.ca.gov/prop65).

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*. The following table outlines the addition of *di(2-ethylhexyl)phthalate* to the Proposition 65 chemical list as known to the State to cause reproductive toxicity:

Chemical	CAS No.	Toxicological Endpoints	Listing Mechanism <sup>1</sup>
Di(2-ethylhexyl) phthalate (DEHP)	117-81-7	Developmental and male reproductive toxicity	AB

<sup>1</sup> Listing mechanism:

AB—"authoritative body" mechanism (22 CCR Section 12306)

**STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986**

**CHEMICALS KNOWN TO THE STATE  
TO CAUSE CANCER OR  
REPRODUCTIVE TOXICITY  
OCTOBER 24, 2003**

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

**CHEMICALS KNOWN TO THE STATE  
TO CAUSE CANCER**

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
<u>Allyl chloride</u>		
Delisted October 29, 1999	407051	<del>January 1, 1990</del>
2-Aminoanthraquinone	117793	October 1, 1989
p-Aminoazobenzene	60093	January 1, 1990
ortho-Aminoazotoluene	97563	July 1, 1987
4-Aminobiphenyl		
(4-aminodiphenyl)	92671	February 27, 1987
1-Amino-2,4-dibromo-anthraquinone	81492	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989
2-Aminofluorene	153786	January 29, 1999
1-Amino-2-methylantraquinone	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332214	February 27, 1987
Auramine	492808	July 1, 1987
Azacitidine	320672	January 1, 1992
Azaserine	115026	July 1, 1987
Azathioprine	446866	February 27, 1987
Azobenzene	103333	January 1, 1990
Benz[a]anthracene	56553	July 1, 1987
Benzene	71432	February 27, 1987
Benzidine [and its salts]	92875	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205992	July 1, 1987



**CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 43-Z**

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Benzo[j]fluoranthene	205823	July 1, 1987	p-Chloroaniline		
Benzo[k]fluoranthene	207089	July 1, 1987	hydrochloride	20265967	May 15, 1998
Benzo[f]uran	271896	October 1, 1990	Chlorodibromomethane		
Benzo[a]pyrene	50328	July 1, 1987	Delisted	October 29, 1999	January 1, 1990
Benzotrithloride	98077	July 1, 1987	Chloroethane (Ethyl chloride)	75003	July 1, 1990
Benzyl chloride	100447	January 1, 1990	1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)		
Benzyl violet 4B	1694093	July 1, 1987	(Lomustine)	13010474	January 1, 1988
Beryllium and beryllium compounds	—	October 1, 1987	1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909096	October 1, 1988
Betel quid with tobacco	—	January 1, 1990	Chloroform	67663	October 1, 1987
2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996	Chloromethyl methyl ether (technical grade)	107302	February 27, 1987
Bis(2-chloroethyl)ether	111444	April 1, 1988	3-Chloro-2-methylpropene	563473	July 1, 1989
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlor-napazine)	494031	February 27, 1987	1-Chloro-4-nitrobenzene	100005	October 29, 1999
Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987	4-Chloro-ortho-phenylenediamine	95830	January 1, 1988
Bis(chloromethyl)ether	542881	February 27, 1987	p-Chloro-o-toluidine	95692	January 1, 1990
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999	p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990	5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Bracken fern	—	January 1, 1990	Chloroprene	126998	June 2, 2000
Bromate	15541454	May 31, 2002	Chlorothalonil	1897456	January 1, 1989
Bromodichloromethane	75274	January 1, 1990	Chlorotrianisene	569573	September 1, 1996
Bromoethane	74964	December 22, 2000	Chlorozotocin	54749905	January 1, 1992
Bromoform	75252	April 1, 1991	Chromium (hexavalent compounds)	—	February 27, 1987
1,3-Butadiene	106990	April 1, 1988	Chrysene	218019	January 1, 1990
1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	C.I. Acid Red 114	6459945	July 1, 1992
Butylated hydroxyanisole	25013165	January 1, 1990	C.I. Basic Red 9		
beta-Butyrolactone	3068880	July 1, 1987	monohydrochloride	569619	July 1, 1989
Cacodylic acid	75605	May 1, 1996	C.I. Direct Blue 15	2429745	August 26, 1997
Cadmium and cadmium compounds	—	October 1, 1987	C.I. Direct Blue 218	28407376	August 26, 1997
Caffeic acid	331395	October 1, 1994	C.I. Solvent Yellow 14	842079	May 15, 1998
Captafol	2425061	October 1, 1988	Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992
Captan	133062	January 1, 1990	Cidofovir	113852372	January 29, 1999
Carbazole	86748	May 1, 1996	Cinnamyl anthranilate	87296	July 1, 1989
Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003	Cisplatin	15663271	October 1, 1988
Carbon tetrachloride	56235	October 1, 1987	Citrus Red No. 2	6358538	October 1, 1989
Carbon-black extracts	—	January 1, 1990	Clofibrate	637070	September 1, 1996
N-Carboxymethyl-N-nitrosourea	60391926	January 25, 2002	Cobalt metal powder	7440484	July 1, 1992
Catechol	120809	July 15, 2003	Cobalt [II] oxide	1307966	July 1, 1992
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	Cobalt sulfate heptahydrate	10026241	June 2, 2000
Certain combined chemotherapy for lymphomas	—	February 27, 1987	Coke oven emissions	—	February 27, 1987
Chlorambucil	305033	February 27, 1987	Conjugated estrogens	—	February 27, 1987
Chloramphenicol	56757	October 1, 1989	Creosotes	—	October 1, 1988
Chlordane	57749	July 1, 1988	para-Cresidine	120718	January 1, 1988
Chlordecone (Kepone)	143500	January 1, 1988	Cupferron	135206	January 1, 1988
Chlordimeform	6164983	January 1, 1989	Cycasin	14901087	January 1, 1988
Chlorendic acid	115286	July 1, 1989	Cyclophosphamide (anhydrous)	50180	February 27, 1987
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989	Cyclophosphamide (hydrated)	6055192	February 27, 1987
p-Chloroaniline	106478	October 1, 1994	Cytembena	21739913	May 15, 1998
			D&C Orange No. 17	3468631	July 1, 1990
			D&C Red No. 8	2092560	October 1, 1990
			D&C Red No. 9	5160021	July 1, 1990
			D&C Red No. 19	81889	July 1, 1990
			Dacarbazine	4342034	January 1, 1988



**CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 43-Z**

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Daminozide	1596845	January 1, 1990	4-Dimethylaminoazo- benzene	60117	January 1, 1988
Dantron (Chrysazin; 1,8-Dihydroxyanthraqui- none)	117102	January 1, 1992	trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988
Daunomycin	20830813	January 1, 1988	7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990
DDD (Dichlorodiphenyldichloro- ethane)	72548	January 1, 1989	3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988
DDE (Dichlorodiphenyldichloro- ethylene)	72559	January 1, 1989	3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992
DDT (Dichlorodiphenyltrichloro- ethane)	50293	October 1, 1987	Dimethylcarbamoyl chloride	79447	January 1, 1988
DDVP (Dichlorvos)	62737	January 1, 1989	1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989
N,N'-Diacetylbenzidine	613354	October 1, 1989	1,2-Dimethylhydrazine	540738	January 1, 1988
2,4-Diaminoanisole	615054	October 1, 1990	Dimethylvinylchloride	513371	July 1, 1989
2,4-Diaminoanisole sulfate	39156417	January 1, 1988	3,7-Dinitrofluoranthene	105735715	August 26, 1997
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988	3,9-Dinitrofluoranthene	22506532	August 26, 1997
2,4-Diaminotoluene	95807	January 1, 1988	1,6-Dinitropyrene	42397648	October 1, 1990
Diaminotoluene (mixed)	—	January 1, 1990	1,8-Dinitropyrene	42397659	October 1, 1990
Dibenz[a,h]acridine	226368	January 1, 1988	Dinitrotoluene mixture, 2,4-/2,6- 2,4-Dinitrotoluene	121142	May 1, 1996
Dibenz[a,j]acridine	224420	January 1, 1988	2,6-Dinitrotoluene	606202	July 1, 1988
Dibenz[a,h]anthracene	53703	January 1, 1988	Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996
7H-Dibenzo[c,g]carbazole	194592	January 1, 1988	1,4-Dioxane	123911	January 1, 1988
Dibenzo[a,e]pyrene	192654	January 1, 1988	Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988
Dibenzo[a,h]pyrene	189640	January 1, 1988	Diphenylhydantoin (Phenytain), sodium salt	630933	January 1, 1988
Dibenzo[a,i]pyrene	189559	January 1, 1988	Direct Black 38 (technical grade)	1937377	January 1, 1988
Dibenzo[a,l]pyrene	191300	January 1, 1988	Direct Blue 6 (technical grade)	2602462	January 1, 1988
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987	Direct Brown 95 (technical grade)	16071866	October 1, 1988
2,3-Dibromo-1-propanol	96139	October 1, 1994	Disperse Blue 1	2475458	October 1, 1990
Dichloroacetic acid	79436	May 1, 1996	Diuron	330541	May 31, 2002
p-Dichlorobenzene	106467	January 1, 1989	Epichlorohydrin	106898	October 1, 1987
3,3'-Dichlorobenzidine	91941	October 1, 1987	Erionite	12510428	October 1, 1988
3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998	Estradiol 17B	50282	January 1, 1988
1,4-Dichloro-2-butene	764410	January 1, 1990	Estragole	140670	October 29, 1999
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988	Estrone	53167	January 1, 1988
1,1-Dichloroethane	75343	January 1, 1990	Estropipate	7280377	August 26, 1997
Dichloromethane (Methylene chloride)	75092	April 1, 1988	Ethinylestradiol	57636	January 1, 1988
1,2-Dichloropropane	78875	January 1, 1990	Ethoprop	13194484	February 27, 2001
1,3-Dichloropropene	542756	January 1, 1989	Ethyl acrylate	140885	July 1, 1989
Dieldrin	60571	July 1, 1988	Ethyl methanesulfonate	62500	January 1, 1988
Dienestrol	84173	January 1, 1990	Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990
Diepoxybutane	1464535	January 1, 1988	Ethylene dibromide	106934	July 1, 1987
Diesel engine exhaust	—	October 1, 1990	Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987
Di(2-ethylhexyl)phthalate	117817	January 1, 1988	Ethylene oxide	75218	July 1, 1987
1,2-Diethylhydrazine	1615801	January 1, 1988	Ethylene thiourea	96457	January 1, 1988
Diethyl sulfate	64675	January 1, 1988	Ethyleneimine	151564	January 1, 1988
Diethylstilbestrol (DES)	56531	February 27, 1987	Fenoxycarb	72490018	June 2, 2000
Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989	Folpet	133073	January 1, 1989
Dihydrosafrole	94586	January 1, 1988	Formaldehyde (gas)	50000	January 1, 1988
Diisopropyl sulfate	2973106	April 1, 1993	2-(2-Formylhydrazino)-4- (5-nitro-2-furyl)thiazole	3570750	January 1, 1988
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988	Furan	110009	October 1, 1993
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990			
Dimethyl sulfate	77781	January 1, 1988			

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Furazolidone	67458	January 1, 1990	Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990
Furmecycloz	60568050	January 1, 1990	Medroxyprogesterone acetate	71589	January 1, 1990
Fusarin C	79748815	July 1, 1995	MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994
Ganciclovir sodium	82410320	August 26, 1997	MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500040	October 1, 1994
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990	Melphalan	148823	February 27, 1987
Gemfibrozil	25812300	December 22, 2000	Merphalan	531760	April 1, 1988
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990	Mestranol	72333	April 1, 1988
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730114	January 1, 1990	Metham sodium	137428	November 6, 1998
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730103	January 1, 1990	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Glycidaldehyde	765344	January 1, 1988	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
Glycidol	556525	July 1, 1990	2-Methylaziridine (Propyleneimine)	75558	January 1, 1988
Griseofulvin	126078	January 1, 1990	Methylazoxymethanol	590965	April 1, 1988
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568028	January 1, 1988	Methylazoxymethanol acetate	592621	April 1, 1988
HC Blue 1	2784943	July 1, 1989	Methyl carbamate	598550	May 15, 1998
Heptachlor	76448	July 1, 1988	3-Methylcholanthrene	56495	January 1, 1990
Heptachlor epoxide	1024573	July 1, 1988	5-Methylchrysene	3697243	April 1, 1988
Hexachlorobenzene	118741	October 1, 1987	4,4'-Methylene bis (2-chloroaniline)	101144	July 1, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	4,4'-Methylene bis(N,N-dimethyl)benzenamine	101611	October 1, 1989
Hexachlorodibenzo-dioxin	34465468	April 1, 1988	4,4'-Methylene bis (2-methylaniline)	838880	April 1, 1988
Hexachloroethane	67721	July 1, 1990	4,4'-Methylenedianiline	101779	January 1, 1988
Hexamethylphosphoramide	680319	January 1, 1988	4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988
Hydrazine	302012	January 1, 1988	Methyleugenol	93152	November 16, 2001
Hydrazine sulfate	10034932	January 1, 1988	Methylhydrazine and its salts	—	July 1, 1992
Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988	Methyl iodide	74884	April 1, 1988
Indeno [1,2,3-cd]pyrene	193395	January 1, 1988	Methylmercury compounds	—	May 1, 1996
Indium phosphide	22398807	February 27, 2001	Methyl methanesulfonate	66273	April 1, 1988
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990	2-Methyl-1-nitroanthraquinone (of uncertain purity)	129157	April 1, 1988
Iprodione	36734197	May 1, 1996	N-Methyl-N'-nitro-N-nitrosoguanidine	70257	April 1, 1988
Iron dextran complex	9004664	January 1, 1988	N-Methylolacrylamide	924425	July 1, 1990
Isobutyl nitrite	542563	May 1, 1996	Methylthiouracil	56042	October 1, 1989
Isoprene	78795	May 1, 1996	Metiram	9006422	January 1, 1990
Isosafrole	120581	October 1, 1989	Metronidazole	443481	January 1, 1988
Isoxaflutole	141112290	December 22, 2000	Michler's ketone	90948	January 1, 1988
Lactofen	77501634	January 1, 1989	Mirex	2385855	January 1, 1988
Lasiocarpine	303344	April 1, 1988	Mitomycin C	50077	April 1, 1988
Lead acetate	301042	January 1, 1988	Monocrotaline	315220	April 1, 1988
Lead and lead compounds	—	October 1, 1992	5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxalolidinone	139913	April 1, 1988
Lead phosphate	7446277	April 1, 1988	Mustard Gas	505602	February 27, 1987
Lead subacetate	1335326	October 1, 1989	MX (3-chloro-4-dichloromethyl-5-hydroxy-2(5H)-furanone)	77439760	December 22, 2000
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989	Nafenopin	3771195	April 1, 1988
Lynestrenol	52766	February 27, 2001	Nalidixic acid	389082	May 15, 1998
Mancozeb	8018017	January 1, 1990	Naphthalene	91203	April 19, 2002
Maneb	12427382	January 1, 1990			

**CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 43-Z**

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
1-Naphthylamine	134327	October 1, 1989	N-Nitrosomorpholine	59892	January 1, 1988
2-Naphthylamine	91598	February 27, 1987	N-Nitrosomornicotine	16543558	January 1, 1988
Nickel (Metallic)	7440020	October 1, 1989	N-Nitrosopiperidine	100754	January 1, 1988
Nickel acetate	373024	October 1, 1989	N-Nitrosopyrrolidine	930552	October 1, 1987
Nickel carbonate	3333393 3333673	October 1, 1989	N-Nitrososarcosine	13256229	January 1, 1988
Nickel carbonyl	13463393	October 1, 1987	o-Nitrotoluene	88722	May 15, 1998
Nickel hydroxide	12054487; 12125563	October 1, 1989	Norethisterone (Norethin- drone)	68224	October 1, 1989
Nickelocene	1271289	October 1, 1989	Norethynodrel	68235	February 27, 2001
Nickel oxide	1313991	October 1, 1989	Ochratoxin A	303479	July 1, 1990
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Oil Orange SS	2646175	April 1, 1988
Nickel subsulfide	12035722	October 1, 1987	Oral contraceptives, combined	—	October 1, 1989
Niridazole	61574	April 1, 1988	Oral contraceptives, sequential	—	October 1, 1989
Nitrilotriacetic acid	139139	January 1, 1988	Oxadiazon	19666309	July 1, 1991
Nitrilotriacetic acid, tri- sodium salt mono- hydrate	18662538	April 1, 1989	Oxazepam	604751	October 1, 1994
5-Nitroacenaphthene	602879	April 1, 1988	Oxymetholone	434071	January 1, 1988
5-Nitro-o-anisidine	99592	October 1, 1989	Oxythioquinox	2439012	August 20, 1999
o-Nitroanisole	91236	October 1, 1992	Palygorskite fibers (>5µm in length)	12174117	December 28, 1999
Nitrobenzene	98953	August 26, 1997	Panfuran S	794934	January 1, 1988
4-Nitrobiphenyl	92933	April 1, 1988	Pentachlorophenol	87865	January 1, 1990
6-Nitrochrysene	7496028	October 1, 1990	Phenacetin	62442	October 1, 1989
Nitrofen (technical grade)	1836755	January 1, 1988	Phenazopyridine	94780	January 1, 1988
2-Nitrofluorene	607578	October 1, 1990	Phenazopyridine hydrochloride	136403	January 1, 1988
Nitrofurazone	59870	January 1, 1990	Phenesterin	3546109	July 1, 1989
1-[(5-Nitrofurfurylidene)-amino]- 2-imidazolidinone	555840	April 1, 1988	Phenobarbital	50066	January 1, 1990
N-[4-(5-Nitro-2-furyl)-2- thiazolyl]acetamide	531828	April 1, 1988	Phenolphthalein	77098	May 15, 1998
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	Phenoxybenzamine	59961	April 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	Phenoxybenzamine hydrochloride	63923	April 1, 1988
Nitrogen mustard N-oxide	126852	April 1, 1988	o-Phenylenediamine and its salts	95545	May 15, 1998
Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988	Phenyl glycidyl ether	122601	October 1, 1990
Nitromethane	75525	May 1, 1997	Phenylhydrazine and its salts	—	July 1, 1992
2-Nitropropane	79469	January 1, 1988	o-Phenylphenate, sodium	132274	January 1, 1990
1-Nitropyrene	5522430	October 1, 1990	o-Phenylphenol	90437	August 4, 2000
4-Nitropyrene	57835924	October 1, 1990	PhiP(2-Amino-1-methyl-6- phenylimidazol[4,5-b] pyridine)	105650235	October 1, 1994
N-Nitrosodi-n-butylamine	924163	October 1, 1987	Polybrominated biphenyls	—	January 1, 1988
N-Nitrosodiethanolamine	1116547	January 1, 1988	Polychlorinated biphenyls	—	October 1, 1989
N-Nitrosodiethylamine	55185	October 1, 1987	Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
N-Nitrosodimethylamine	62759	October 1, 1987	Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
p-Nitrosodiphenylamine	156105	January 1, 1988	Polychlorinated dibenzofurans	—	October 1, 1992
N-Nitrosodiphenylamine	86306	April 1, 1988	Polygeenan	53973981	January 1, 1988
N-Nitrosodi-n-propylamine	621647	January 1, 1988	Ponceau MX	3761533	April 1, 1988
N-Nitroso-N-ethylurea	759739	October 1, 1987	Ponceau 3R	3564098	April 1, 1988
3-(N-Nitrosomethylamino) propionitrile	60153493	April 1, 1990	Potassium bromate	7758012	January 1, 1990
4-(N-Nitrosomethylam- ino)-1-(3-pyridyl)1- butanone	64091914	April 1, 1990	Primidone	125337	August 20, 1999
N-Nitrosomethylethyl- amine	10595956	October 1, 1989	Procarbazine	671169	January 1, 1988
N-Nitroso-N-methylurea	684935	October 1, 1987	Procarbazine hydrochloride	366701	January 1, 1988
N-Nitroso-N-methylurethane	615532	April 1, 1988	Procymidone	32809168	October 1, 1994
N-Nitrosomethylvinyl- amine	4549400	January 1, 1988	Progesterone	57830	January 1, 1988
			Pronamide	23950585	May 1, 1996
			Propachlor	1918167	February 27, 2001
			1,3-Propane sultone	1120714	January 1, 1988
			Propargite	2312358	October 1, 1994
			beta-Propiolactone	57578	January 1, 1988
			Propylene oxide	75569	October 1, 1988
			Propylthiouracil	51525	January 1, 1988
			Pyridine	110861	May 17, 2002

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50555	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
<b>Saccharin</b>		
<u>Delisted April 6, 2001</u>	81072	<del>October 1, 1989</del>
<b>Saccharin, sodium</b>		
<u>Delisted January 17, 2003</u>	128449	<del>January 1, 1988</del>
Safrole	94597	January 1, 1988
Salicylazosulfapyridine	599791	May 15, 1998
Selenium sulfide	7446346	October 1, 1989
Shale-oils	68308349	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52017	May 1, 1997
Stanozolol	10418038	May 1, 1997
Sterigmatocystin	10048132	April 1, 1988
Streptozotocin (streptozocin)	18883664	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96093	October 1, 1988
Sulfallate	95067	January 1, 1988
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540291	September 1, 1996
Terrazole	2593159	October 1, 1994
Testosterone and its esters	58220	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988
1,1,2,2-Tetrachloroethane	79345	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988
p-a,a,a-Tetrachloro-toluene	5216251	January 1, 1990
Tetrafluoroethylene	116143	May 1, 1997
Tetranitromethane	509148	July 1, 1990
Thioacetamide	62555	January 1, 1988
4,4'-Thiodianiline	139651	April 1, 1988
Thiodicarb	59669260	August 20, 1999
Thiourea	62566	January 1, 1988
Thorium dioxide	1314201	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471625	October 1, 1989
ortho-Toluidine	95534	January 1, 1988
ortho-Toluidine hydrochloride	636215	January 1, 1988
<b>para-Toluidine</b>		
<u>Delisted October 29, 1999</u>	106490	<del>January 1, 1990</del>
Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Treosulfan	299752	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Trichloroethylene	79016	April 1, 1988
2,4,6-Trichlorophenol	88062	January 1, 1988
1,2,3-Trichloropropane	96184	October 1, 1992
Trimethyl phosphate	512561	May 1, 1996

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76879	July 1, 1992
Tris(aziridiny)-para-benzoquinone (Triaziquone)	68768	October 1, 1989
Tris(1-aziridiny)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Tris(2-chloroethyl) phosphate	115968	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126727	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Trypan blue (commercial grade)	72571	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66751	April 1, 1988
Urethane (Ethyl carbamate)	51796	January 1, 1988
Vinclozolin	50471448	August 20, 1999
Vinyl bromide	593602	October 1, 1988
Vinyl chloride	75014	February 27, 1987
4-Vinylcyclohexene	100403	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Vinyl fluoride	75025	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991
Zileuton	111406872	December 22, 2000
<b>Zineb</b>		
<u>Delisted October 29, 1999</u>	12122677	<del>January 1, 1990</del>

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117373	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997



# CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 43-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990	Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989
Atenolol	developmental	29122687	August 26, 1997	Cyhexatin	developmental	13121705	January 1, 1989
Auranofin	developmental	34031328	January 29, 1999	Cytarabine	developmental	147944	January 1, 1989
Azathioprine	developmental	446866	September 1, 1996	Dacarbazine	developmental	4342034	January 29, 1999
Barbiturates	developmental	—	October 1, 1992	Danazol	developmental	17230885	April 1, 1990
Beclomethasone dipropionate	developmental	5534098	May 15, 1998	Daunorubicin hydrochloride	developmental	23541506	July 1, 1990
Benomyl	developmental, male	17804352	July 1, 1991	2,4-D butyric acid	developmental, male	94826	June 18, 1999
Benzene	developmental, male	71432	December 26, 1997	o,p' -DDT	developmental, female, male	789026	May 15, 1998
Benzodiazepines	developmental	—	October 1, 1992	p,p' -DDT	developmental, female, male	50293	May 15, 1998
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990	<del>2,4-DP (dichloroprop)</del>	<del>developmental</del>	<del>—120365</del>	<del>April 27, 1999</del>
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990	<del>Delisted January 25, 2002</del>			
Bromacil lithium salt	developmental, male	53404196	May 18, 1999 January 17, 2003	Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992
Bromoxynil	developmental	1689845	October 1, 1990	Diazepam	developmental	439145	January 1, 1992
Bromoxynil octanoate	developmental	1689992	May 18, 1999	Diazoxide	developmental	364987	February 27, 2001
Butabarbital sodium	developmental	143817	October 1, 1992	1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989	Dichlorophene	developmental	97234	April 27, 1999
Cadmium	developmental, male	—	May 1, 1997	Dichlorophenamide	developmental	120978	February 27, 2001
Carbamazepine	developmental	298464	January 29, 1999	Diclofop methyl	developmental	51338273	March 5, 1999
Carbon disulfide	developmental, female, male	75150	July 1, 1989	Dicumaryl	developmental	66762	October 1, 1992
Carbon monoxide	developmental	630080	July 1, 1989	Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Carboplatin	developmental	41575944	July 1, 1990	Diffunisal	developmental, female	22494424	January 29, 1999
Chenodiol	developmental	474259	April 1, 1990	Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998	Diltiazem hydrochloride	developmental	33286225	February 27, 2001
Chlorambucil	developmental	305033	January 1, 1989	m-Dinitrobenzene	male	99650	July 1, 1990
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987	o-Dinitrobenzene	male	528290	July 1, 1990
Chlordecone (Kepone)	developmental	143500	January 1, 1989	p-Dinitrobenzene	male	100254	July 1, 1990
Chlordiazepoxide	developmental	58253	January 1, 1992	2,4-Dinitrotoluene	male	121142	August 20, 1999
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992	2,6-Dinitrotoluene	male	606202	August 20, 1999
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990	Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999	Dinocap	developmental	39300453	April 1, 1990
Cidofovir	developmental, female, male	113852372	January 29, 1999	Dinoseb	developmental, male	88857	January 1, 1989
Cladribine	developmental	4291638	September 1, 1996	Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987
Clarithromycin	developmental	81103119	May 1, 1997	Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999
Clobetasol propionate	developmental, female	25122467	May 15, 1998	Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999
Clomiphene citrate	developmental	50419	April 1, 1990	Doxycycline (internal use)	developmental	564250	July 1, 1990
Clorazepate dipotassium	developmental	57109907	October 1, 1992	Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992
Cocaine	developmental, female	50362	July 1, 1989	Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991
Codeine phosphate	developmental	52288	May 15, 1998	Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991
Colchicine	developmental, male	64868	October 1, 1992	Endrin	developmental	72208	May 15, 1998
Conjugated estrogens	developmental	—	April 1, 1990	Epichlorohydrin	male	106898	September 1, 1996
Cyanazine	developmental	21725462	April 1, 1990	Ergotamine tartrate	developmental	379793	April 1, 1990
Cycloate	developmental	1134232	March 19, 1999	Estropipate	developmental	7280377	August 26, 1997
<del>Cyclohexanol</del>	<del>male</del>	<del>—108930</del>	<del>November 6, 1998</del>	Ethionamide	developmental	536334	August 26, 1997
<del>Delisted January 25, 2002</del>				Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Cycloheximide	developmental	66819	January 1, 1989	Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989	Ethylene dibromide	developmental, male	106934	May 15, 1998
				Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989
				Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989
				Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993
				Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993
				Ethylene oxide	female	75218	February 27, 1987
				Ethylene thiourea	developmental	96457	January 1, 1993
				Etodolac	developmental, female	41340254	August 20, 1999
				Etoposide	developmental	33419420	July 1, 1990
				Etretinate	developmental	54350480	July 1, 1987

# CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 43-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Fenoxaprop ethyl	developmental	66441234	March 26, 1999	Misoprostol	developmental	59122462	April 1, 1990
Filgrastim	developmental	121181531	February 27, 2001	Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990
Fluazifop butyl	developmental	69806504	November 6, 1998	Myclobutanil	developmental, male	88671890	April 16, 1999
Flunisolide	developmental, female	3385033	May 15, 1998				
Fluorouracil	developmental	51218	January 1, 1989	Nabam	developmental	142596	March 30, 1999
Fluoxymesterone	developmental	76437	April 1, 1990	Nafarelin acetate	developmental	86220420	April 1, 1990
Flurazepam hydrochloride	developmental	1172185	October 1, 1992	Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992
Flurbiprofen	developmental, female	5104494	August 20, 1999	Netilmicin sulfate	developmental	56391572	July 1, 1990
Flutamide	developmental	13311847	July 1, 1990	Nickel carbonyl	developmental	13463393	September 1, 1996
Fluticasone propionate	developmental	80474142	May 15, 1998	Nicotine	developmental	54115	April 1, 1990
Fluvalinate	developmental	69409945	November 6, 1998	Nifedipine	developmental, female, male	21829254	January 29, 1999
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Nimodipine	developmental	66085594	April 24, 2001
Gemfibrozil	female, male	25812300	August 20, 1999	Nitrapyrin	developmental	1929824	March 30, 1999
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Nitrofurantoin	male	67209	April 1, 1991
				Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Halazepam	developmental	23092173	July 1, 1990	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Halobetasol propionate	developmental	66852548	August 20, 1999	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Haloperidol	developmental, female	52868	January 29, 1999	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Halothane	developmental	151677	September 1, 1996	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Heptachlor	developmental	76448	August 20, 1999	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
Hexachlorobenzene	developmental	118741	January 1, 1989	Norgestrel	developmental	6533002	April 1, 1990
Hexamethylphosphoramide	male	680319	October 1, 1994				
Histrelin acetate	developmental	—	May 15, 1998	Oxadiazon	developmental	19666309	May 15, 1998
Hydramethylnon	developmental, male	67485294	March 5, 1999	Oxazepam	developmental	604751	October 1, 1992
Hydroxyurea	developmental	127071	May 1, 1997	Oxydemeton methyl	female, male	301122	November 6, 1998
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Oxymetholone	developmental	434071	May 1, 1997
Ifosfamide	developmental	3778732	July 1, 1990	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Iodine-131	developmental	10043660	January 1, 1989	Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Isotretinoin	developmental	4759482	July 1, 1987				
Lead	developmental, female, male	—	February 27, 1987	Paclitaxel	developmental, female, male	33069624	August 26, 1997
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Paramethadione	developmental	115673	July 1, 1990
Levodopa	developmental	59927	January 29, 1999	Penicillamine	developmental	52675	January 1, 1991
Levonorgestrel implants	female	797637	May 15, 1998	Pentobarbital sodium	developmental	57330	July 1, 1990
Linuron	developmental	330552	March 19, 1999	Pentostatin	developmental	53910251	September 1, 1996
Lithium carbonate	developmental	554132	January 1, 1991	Phenacemide	developmental	63989	July 1, 1990
Lithium citrate	developmental	919164	January 1, 1991	Phenprocoumon	developmental	435972	October 1, 1992
Lorazepam	developmental	846491	July 1, 1990	Pimozide	developmental, female	2062784	August 20, 1999
Lovastatin	developmental	75330755	October 1, 1992	Pipobroman	developmental	54911	July 1, 1990
Mebendazole	developmental	31431397	August 20, 1999	Plicamycin	developmental	18378897	April 1, 1990
Medroxyprogesterone acetate	developmental	71589	April 1, 1990	Polybrominated biphenyls	developmental	—	October 1, 1994
Megestrol acetate	developmental	595335	January 1, 1991	Polychlorinated biphenyls	developmental	—	January 1, 1991
Melphalan	developmental	148823	July 1, 1990	Potassium dimethyldithiocarbamate	developmental	128030	March 30, 1999
Menotropins	developmental	9002680	April 1, 1990	Pravastatin sodium	developmental	81131706	March 3, 2000
Meprobamate	developmental	57534	January 1, 1992	Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Mercaptopurine	developmental	6112761	July 1, 1990	Procarbazine hydrochloride	developmental	366701	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990	Propargite	developmental	2312358	June 15, 1999
Methacycline hydrochloride	developmental	3963959	January 1, 1991	Propylthiouracil	developmental	51525	July 1, 1990
Metham sodium	developmental	137428	May 15, 1998	Pyrimethamine	developmental	58140	January 29, 1999
Methazole	developmental	20354261	December 1, 1999				
Methimazole	developmental	60560	July 1, 1990	Quazepam	developmental	36735225	August 26, 1997
Methotrexate	developmental	59052	January 1, 1989	Quizalofop-ethyl	male	76578148	December 24, 1999
Methotrexate sodium	developmental	15475566	April 1, 1990				
Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993				
Methyl chloride	developmental	74873	March 10, 2000				
Methyl mercury	developmental	—	July 1, 1987				
N-Methylpyrrolidone	developmental	872504	June 15, 2001				
Methyltestosterone	developmental	58184	April 1, 1990				
Metiram	developmental	9006422	March 30, 1999				
Midazolam hydrochloride	developmental	59467968	July 1, 1990				
Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992				

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Resmethrin	developmental	10453868	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recom- mended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791045	April 1, 1990
	male	36791045	February 27, 2001
Rifampin	developmental, female	13292461	February 27, 2001
Secobarbital sodium	developmental	309433	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128041	March 30 1999
Sodium fluoroacetate	male	62748	November 6, 1998
Streptomycin sulfate	developmental	3810740	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo- paradoxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	97048130	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: October 24, 2003

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### BOARD OF EQUALIZATION

##### Change in Ownership

This regulatory action amends provisions dealing with the transfer of joint tenancy interests.

##### Title 18

##### California Code of Regulations

AMEND : 462.040, 462.240

Filed 10/14/03

Effective 11/13/03

Agency Contact: Diane G. Olson (916) 322-9569

#### BOARD OF PRISON TERMS

##### Decision Review Process

In this regulatory action, the Board of Prison Terms amends its regulations setting forth the agency's procedures for the review of proposed hearing decisions before the decisions become final or effective.

##### Title 15

##### California Code of Regulations

AMEND : 2000, 2041, 2042, 2043, 2044

Filed 10/14/03

Effective 11/13/03

Agency Contact: Lori Manieri (916) 445-5277

#### CALIFORNIA GAMBLING CONTROL COMMISSION

##### Emergency Preparedness & Evacuation Plan

This rulemaking action readopts an emergency regulation that requires the owner of a cardroom gambling establishment to develop and implement an emergency preparedness and evacuation plan to protect employees and patrons in the event of a natural disaster, critical event, or other emergency. Failure to develop a suitable plan may result in denial of an application for renewal, suspension, or revocation of a license, and a civil penalty. The emergency regulation is amended to permit the smallest cardrooms to submit simpler plans, appropriate for the size of these establishments and the number of patrons and employees.

Title 4  
California Code of Regulations  
ADOPT : 12371 AMEND : 12370  
Filed 10/14/03  
Effective 10/14/03  
Agency Contact: Herb Bolz (916) 263-0700

**CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD  
Waste Tire Monofill Facility Regulations**

This action adopts uniform permitting requirements and operating standards for a facility that disposes of cut up waste tires and cover, uncontaminated by other waste, and known as a waste tire monofill.

Title 14  
California Code of Regulations  
ADOPT : 17346, 17346.1, 17346.2, 17346.3,  
17346.4, 17346.5, 17346.6, 17346.7, 17347,  
17347.1, 17348, 17349  
Filed 10/14/03  
Effective 11/13/03  
Agency Contact: Keith Kennedy (916) 341-6341

**DEPARTMENT OF DEVELOPMENTAL  
SERVICES  
Records Maintenance & Termination of  
Vendorization**

This emergency regulatory action deals with the vendorization process and specifies the information a service provider vendor must submit, and maintain as part of the vendor's records, to support all billing/invoicing for each regional center consumer. These regulations also permit a regional center to terminate a vendorization if the regional center determines that continued utilization of the vendor threatens the health and safety of the consumer.

Title 17  
California Code of Regulations  
AMEND : 50604, 50608, 54326, 54370, 56003,  
56082, 57540, 58510, 58671  
Filed 10/09/03  
Effective 10/09/03  
Agency Contact: Lisa Primeaux (916) 654-2199

**DEPARTMENT OF FOOD AND AGRICULTURE  
Oriental Fruit Fly Interior Quarantine**

This Certificate of Compliance removes the quarantine in the La Miranda area of Los Angeles and Orange counties for Oriental fruit fly.

Title 3  
California Code of Regulations  
AMEND : 3423(b)  
Filed 10/14/03  
Effective 10/14/03  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF INDUSTRIAL RELATIONS  
Asbestos Cement Pipe Training and Course Providers**

This rulemaking requires the Division of Occupational Safety and Health to approve training entities to conduct task-specific training programs for employees and supervisors involved in operations pertaining to asbestos cement (AC) pipe.

Title 8  
California Code of Regulations  
ADOPT : 341.17  
Filed 10/09/03  
Effective 11/08/03  
Agency Contact: Stephen Smith

**DEPARTMENT OF MOTOR VEHICLES  
Zero Emission Vehicles Parking Decal**

The regulatory action contains the requirements for obtaining a zero emission vehicle parking decal. (Department of Motor Vehicles file number REG-02-537.)

Title 13  
California Code of Regulations  
ADOPT : 158.00  
Filed 10/10/03  
Effective 11/09/03  
Agency Contact:  
Bonnie DeWatney (916) 657-8954

**STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act of  
1998—Sab Membership**

This emergency rulemaking action conforms the membership of the Board and the number of members required for a quorum to recent legislative changes. (Previous OAL file #03-0205-03E and 03-0610-01EE).

Title 2  
California Code of Regulations  
AMEND : 1555  
Filed 10/09/03  
Effective 10/09/03  
Agency Contact: Lisa Jones (916) 322-1043

**STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act of  
1998—Use of NC Grants**

This readopted emergency rulemaking will limit the number of projects that can utilize Use of Grants (UOG) and will eliminate the method of multi-track year-round education as a means to house displaced students.

Title 2  
California Code of Regulations  
AMEND : 1859.77.2  
Filed 10/09/03  
Effective 10/09/03  
Agency Contact: Lisa Jones (916) 322-1043



**STATE ALLOCATION BOARD**

Leroy F. Greene School Facilities Act of 1998—Charter School Program

The Leroy F. Greene School Facilities Act of 1998 makes funding available to eligible school districts for various purposes related to school facilities, including construction and modernization. Assembly Bill No. 14 (stats. 2002, ch. 935) became effective January 1, 2003 which in part established the Charter School Facilities Program to provide funding to qualifying entities for the purpose of establishing school facilities for charter school pupils. This regulatory action is a second readoption of an emergency regulatory action which implemented this new program.

**Title 2**

California Code of Regulations

ADOPT : 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND : 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1

Filed 10/09/03

Effective 10/09/03

Agency Contact: Lisa Jones (916) 322-1043

**STATE ALLOCATION BOARD**

Leroy F. Greene School Facilities Act of 1998—Urban, AB 14 Issues

In this emergency regulatory action, the State Allocation Board readopts regulatory amendments pertaining to the implementation of the Leroy F. Greene School Facilities Act of 1998 (including implementation of 2002 legislation such as A.B. No. 14, A.B. No. 16, and A.B. No. 1506).

**Title 2**

California Code of Regulations

AMEND : 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145

Filed 10/10/03

Effective 10/10/03

Agency Contact: Lisa Jones (916) 322-1043

**VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD**

Service Limitations for Outpatient Mental Health Counseling

The Victim Compensation and Government Claims Board (Board) administers the Victim Compensation Program which assists eligible victims who incur certain expenses as a direct result of crimes. Subdivision (a)(2) of Government Code section 13957 imposes monetary caps on the amount of reimbursement for outpatient mental health counseling. The Board is authorized by subdivision (a) of Government

Code section 13957.2 to establish service limitations for reimbursement for mental health counseling services. This filing is a substantial rewrite and replacement of an emergency regulatory action that expired on October 3, 2003 which imposed such service limitations and provided for the audit of mental health counseling providers.

**Title 2**

California Code of Regulations

ADOPT : 649.23, 649.24, 649.25, 649.26, 649.27, 649.28

Filed 10/10/03

Effective 10/10/03

Agency Contact:

Judith A. Kopec (916) 327-4016

**YOUTHFUL OFFENDER PAROLE BOARD**

Initial Hearings—Amending Procedures

This Certificate of Compliance amends the procedures for a ward's initial hearing. (Previous OAL file # 03-0911-01C)

**Title 15**

California Code of Regulations

AMEND : 4941

Filed 10/14/03

Effective 10/14/03

Agency Contact: Connie Erlich (916) 322-9800

**CCR CHANGES FILED WITH THE  
SECRETARY OF STATE  
WITHIN JUNE 11, 2003  
TO OCTOBER 22, 2003**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

07/01/03 AMEND: 1038

**Title 2**

10/10/03 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28

10/10/03 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145

10/09/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168,

1859.169, 1859.170, 1859.171 AMEND:  
1859.2, 1859.51, 1859.103, 1859.106  
1859.145.1  
10/09/03 AMEND: 1859.77.2  
10/09/03 AMEND: 1555  
10/06/03 AMEND: 18320, 18321, 18361, 18370,  
18419, 18420, 18703.1, 18747  
10/02/03 ADOPT: 18709  
09/15/03 ADOPT: 18951  
09/12/03 AMEND: 37000  
08/29/03 AMEND: 1859.61, 1859.105, 1859.106,  
1859.141, 1859.142, 1859.145, 1859.147,  
1859.148, 1859.150.1, 1859.151,  
1859.152, 1859.153  
08/28/03  
08/25/03 ADOPT: 1859.71.4, 1859.78.1 AMEND:  
1859.2, 1859.73.2, 1859.79.2, 1859.82,  
1859.83, 1859.125, 1859.125.1, 1859.145  
08/18/03 AMEND: 599.515  
08/14/03 ADOPT: 18531.5  
08/13/03 AMEND: 41000  
08/01/03 ADOPT: 22100, 22110, 22120, 22130  
07/29/03 AMEND: 18404.1  
07/14/03 AMEND: Chapter 55, Section 54400  
07/14/03 AMEND: 649.11  
07/14/03 AMEND: 56800  
07/07/03 ADOPT: 1859.77.3 AMEND: 1859.2,  
1859.77.2  
06/19/03 AMEND: 1859.2, 1859.20, 1859.21,  
1859.74.2, 1859.74.3, 1859.74.4,  
1859.75, 1859.75.1, 1859.78.3, 1859.79,  
1859.81.1, 1859.83, 1859.107, 1859.145  
06/16/03 ADOPT: 18530.2  
06/13/03 ADOPT: 1859.160, 1859.161, 1859.162,  
1859.162.1, 1859.163, 1859.164,  
1859.164.1, 1859.165, 1859.166,  
1859.166.1, 1859.167, 1859.168,  
1859.169, 1859.170, 1859.171 AMEND:  
1859.2, 1859.51, 1859.103, 1859.106,  
1859.145.1  
06/12/03 AMEND: 1555  
06/12/03 ADOPT: 18329.5  
06/12/03 AMEND: 1859.77.2

**Title 3**

10/14/03 AMEND: 3423(b)  
10/06/03 AMEND: 1430.35, 1430.36  
09/30/03 AMEND: 3651, 3655, 3658, 3662  
09/29/03 AMEND: 3055.6(c)  
09/25/03 AMEND: 3417  
09/11/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,  
6784 AMEND: 6000 REPEAL: 6450,  
6450.1, 6450.2, 6450.3, 6784  
08/26/03 AMEND: 1380.19 (b), (q), (r), (t),  
1402.12, 1446.7, 1454.14, 1462.15  
08/26/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3

08/21/03 ADOPT: 820, 820.1, 820.2, 820.3, 820.4,  
820.5, 820.6, 820.7, 820.8  
08/12/03 AMEND: 4500  
07/29/03 ADOPT: 760, 760.1, 760.2, 760.3, 760.4,  
760.5, 760.6, 760.7, 760.8, 760.9  
07/28/03 ADOPT: 3650, 3651, 3652, 3653, 3654,  
3655, 3656, 3657, 3658, 3659, 3660,  
3661, 3662, 3663, 3663.5  
07/24/03 AMEND: 3417(b)  
07/10/03 AMEND: 3700(c)  
07/08/03 AMEND: 3700(c)  
07/03/03 ADOPT: 755, 755.1, 755.2, 755.3, 755.4,  
755.5, 755.6, 756, 756.1, 756.2, 756.3,  
757, 758, 758.1, 759 AMEND: 753.2  
REPEAL: 757, 759, 759.1, 759.2, 759.3,  
759.4, 759.5  
06/26/03 AMEND: 3417(b)  
06/12/03 AMEND: 3423(b)

**Title 4**

10/14/03 ADOPT: 12371 AMEND: 12370  
10/02/03 AMEND: 4001  
09/23/03 ADOPT: 2100, 2101, 2102, 2103, 2104,  
2105 AMEND: 1928  
09/18/03 AMEND: 1979.1  
09/16/03 AMEND: 1867  
09/08/03 ADOPT: 12300, 12301, 12302, 12303,  
12304, 12305, 12306, 12307, 12308,  
12309, 12310 AMEND: 12301, 12303  
09/02/03 AMEND: 2000  
08/25/03 ADOPT: 12250  
08/18/03 AMEND: 12101, 12122  
07/14/03 ADOPT: 10151, 10152, 10153, 10154,  
10155, 10156, 10157, 10158, 10159,  
10160, 10161, 10162  
06/26/03 AMEND: 12100, 12101, 12104, 12105,  
12120, 12122, 12124, 12126, 12128,  
12130, 12132, 12140, 12142  
06/16/03 ADOPT: 12370

**Title 5**

09/23/03 ADOPT: 18270.5, 18280, 18281  
AMEND: 18023, 18272, 18273, 18274,  
18275, 18279  
09/11/03 ADOPT: 76215 AMEND: 76000, 76010,  
76120, 76130, 76200, 76210 REPEAL:  
76100, 76110  
09/04/03 ADOPT: 18074, 18074.1, 18074.2,  
18074.3, 18075, 18075.1, 18075.2,  
18076, 18076.1, 18076.2 AMEND:  
18413, 18428 REPEAL: 18021  
08/26/03 ADOPT: 11971, 11972, 11973, 11974,  
11975, 11976, 11977, 11978, 11979,  
11979.5  
07/31/03 AMEND: 80014, 80015, 80015.1, 80023  
REPEAL: 80085, 80085.1, 80086, 80087,  
80088, 80412, 80413.2, 80414, 80422,  
80680-80690.1

07/21/03 ADOPT: 1068-1074  
 07/18/03 ADOPT: 80473, 80473.1  
 07/03/03 AMEND: 51023.5  
 06/20/03 ADOPT: 13075  
 06/16/03 ADOPT: 9531, 9532

**Title 7**

07/23/03 AMEND: 213(i)

**Title 8**

10/16/03 AMEND: 21200  
 10/09/03 ADOPT: 341.17  
 10/06/03 AMEND: 10104, 10107.1, 10111.2  
 08/26/03 AMEND: 3273  
 08/25/03 AMEND: 2561.31, 2561.32, 4885, 5022  
 08/04/03 ADOPT: 3458 AMEND: 3437  
 07/31/03 AMEND: 1532, 1532.1, 1535, 5198, 5200, 5201, 5207, 5211, 5214, 5218, 5220  
 07/28/03 AMEND: 3016, 3120.6, 2122.0  
 07/24/03 AMEND: 1532.1  
 07/21/03 AMEND: 5557  
 07/11/03 ADOPT: 5248, 5252.1, 5253.1, 5298.1, 5307, 5308 AMEND: 1504, 5236, 5237, 5238, 5239, 5240, 5241, 5242, 5243, 5244, 5245, 5246, 5247, 5251, 5252, 5253, 5254, 5256, 5257, 5258, 5262, 5267, 5268, 5269, 5270, 5276, 5277, 5278, 5279, 5280, 5291, 5292, 5293,  
 07/11/03 AMEND: 1504, 1637  
 07/03/03 AMEND: 1635, 1710  
 07/03/03 ADOPT: 5006.1 AMEND: 5006  
 06/26/03 AMEND: 421, 422, 422.1, 423, 424.1, 424.2, 424.3, 424.4, 425.1, 425.2, 426, 427.1, 427.2, 427.3 427.4, 428  
 06/12/03 ADOPT: 3195. 3195.2, 3195.3, 3195.4 3195.5, 3195.6, 3195.7, 3195.8, 3195.9, 3195.10, 3195.11, 3195.12, 3195.13, 3195.14

**Title 9**

06/19/03 ADOPT: 1840.112 AMEND: 1830.215

**Title 10**

09/11/03 ADOPT: 250.70  
 09/09/03 AMEND: 2498.6  
 09/09/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5  
 09/05/03 ADOPT: 2791.3, 2792.33, 2810.3, 2836, 2860 AMEND: 2731, 2790.5, 2791.8, 2792.26, 2848, 2853, 2910, 2911, 2912, 2930, 2950, 3000, 3006  
 09/04/03 ADOPT: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45  
 09/02/03 AMEND: 2498.6

08/28/03 AMEND: 2498.6  
 08/26/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12, 2192.13  
 08/25/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5  
 08/21/03 ADOPT: 2175.6, 2175.7, 2175.8, 2175.9, 2178  
 08/21/03 ADOPT: 2187.4  
 08/12/03 AMEND: 2615.3  
 08/04/03 ADOPT: 2698.102, 2698.600, 2698.602, 2698.604 AMEND: 2698.100, 2698.200, 2698.201, 2698.202, 2698.203, 2698.204, 2698.205, 2698.206, 2698.207, 2698.208, 2698.300, 2698.301, 2698.302, 2698.303, 2698.401, 2698.403, 2698.405, 2698.407, 2698.500, 2698.201,  
 07/31/03 ADOPT: 2699.6612, 2699.6827 AMEND: 2699.6500, 2699.6600, 2699.6607, 2699.6611, 2699.6705, 2699.6715, 2699.6717, 2699.6725, 2699.6813, 2699.6815, 2699.6819  
 07/29/03 AMEND: 5002, 5009, 5010  
 07/21/03 ADOPT: 1709.1, 1717.2, 1730.1, 1737.1, 1737.2, 1738.6 AMEND: 1710, 1717.2, 1726, 1730, 1732.2, 1737, 1737.1, 1737.3, 1738, 1738.2, 1738.3, 1738.5, 1740.1, 1740.4, 1741.1  
 07/21/03 ADOPT: 2361  
 07/15/03 ADOPT: 2716.1, 2790.1.5, 2805.1.5  
 07/14/03 ADOPT: 2020, 2021 AMEND: 250.51  
 07/14/03 AMEND: 2190.05, 2190.7  
 07/11/03 ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8  
 07/03/03 AMEND: 260.102.14  
 07/03/03 AMEND: 2498.2  
 06/19/03 AMEND: 5.2001

**Title 11**

10/07/03 AMEND: 1004, 1005  
 10/01/03 ADOPT: 995  
 09/29/03 ADOPT: 1081(a)(34)  
 08/25/03 ADOPT: 977.52 AMEND: 977.20, 977.43, 977.44, 977.45, 977.50, 977.51  
 08/21/03 AMEND: 1005, 1080, 1081  
 08/07/03 AMEND: Article 20, Section 51.19  
 07/28/03 AMEND: 1007  
 07/21/03 ADOPT: 1009, 1083 AMEND: 1001, 1070, 1071, 1082  
 07/08/03 AMEND: 1005  
 07/03/03 AMEND: 1081  
 06/26/03 AMEND: 1002

**Title 12**

08/12/03 ADOPT: 506, 507

**Title 13**

10/16/03 AMEND: 1956.1, 1956.2, 1956.4, 1956.8, 2112  
 10/10/03 ADOPT: 158.00  
 08/21/03 ADOPT: 551.10 AMEND: 551.8, 553, 553.40  
 08/11/03 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 225.30, 225.33, 225.36, 225.39, 225.42, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72  
 07/23/03 AMEND: 25.01  
 07/18/03 AMEND: 330.02, 330.06, 330.20, 330.32, 330.42, 330.44, 330.46, 330.48  
 06/26/03 AMEND: 181.00  
 06/23/03 ADOPT: 150.04  
 06/16/03 ADOPT: 2480

**Title 14**

10/16/03 AMEND: 4400  
 10/14/03 ADOPT: 17346, 17346.1, 17346.2, 17346.3, 17346.4, 17346.5, 17346.6, 17346.7, 17347, 17347.1, 17348, 17349  
 10/06/03 AMEND: 120.7, 190  
 09/26/03 AMEND: 502  
 09/18/03 AMEND: 180.2  
 09/05/03 AMEND: 12010  
 09/04/03 AMEND: 300(a)  
 09/02/03 AMEND: 120.7, 190  
 08/28/03 AMEND: 671.1  
 08/21/03 AMEND: 677  
 08/21/03 AMEND: 791.7  
 08/14/03 AMEND: 11900  
 08/13/03 AMEND: 27.82, 27.83  
 08/08/03 ADOPT: 4970.09 AMEND: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21, 4970.22, 4970.23, 4970.24, 4970.25, 4970.2  
 08/07/03 AMEND: 7.50(b)(5), 7.50(156)  
 07/22/03 AMEND: 15053, 15064, 15092, 15112, 15130, 15152, 15378, and Appendix E  
 07/14/03 AMEND: 708  
 07/07/03 AMEND: 18464, 18465  
 06/30/03 AMEND: 230  
 06/26/03 AMEND: 791.7, 870.15, 870.17, 870.19, 870.21,  
 06/26/03 AMEND: 1.74  
 06/24/03 AMEND: 354, 360, 361, 362, 363, 364  
 06/24/03 AMEND: 749.2  
 06/23/03 ADOPT: 25050  
 06/19/03 AMEND: 7.00  
 06/17/03 AMEND: 7.50(b)(91.1)

06/16/03 AMEND: 122

**Title 14, 27**

07/10/03 ADOPT: 17225.25, 17380, 17380.1, 17381, 17381.1, 17381.2, 17380.1, 17382, 17383, 17383.1, 17383.2, 17383.3, 17383.4, 17383.5, 17383.6, 17383.7, 17383.8, 17383.9, 17383.10, 17384, 17384.1, 17385, 17386, 18223, 18223.5 AMEND: 18831, 21565 REPEAL: 17225.

**Title 15**

10/14/03 AMEND: 4941  
 10/14/03 AMEND: 2000, 2041, 2042, 2043, 2044  
 08/21/03 AMEND: 3075.1  
 07/08/03 REPEAL: 3901.7.4, 3901.9.1, 3901.9.4, 3901.17.1, 3901.17.2, 3901.17.3, 3901.17.4, 3901.17.5, 3901.19.1, 3901.19.2, 3901.19.3, 3901.19.4, 3901.19.5, 3901.19.6, 3901.21.3, 3901.35.1, 3901.35.2  
 06/24/03 AMEND: 2576, 2578, 2580  
 06/23/03 ADOPT: 1018, 1046, 1047, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1120, 1121, 1122, 1123, 1124, 1125, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1160, 1161, 1162, 1163, 1378 AMEND: 1006, 1010, 1302, 1310, 1313, 1314, 1320  
 06/17/03 AMEND: 2269.1, 2273, 2308, 2369

**Title 16**

10/16/03 ADOPT: 360  
 10/16/03 AMEND: 390.2  
 09/30/03 ADOPT: 1313.01, 1313.02, 1313.03, 1313.04, 1313.05, 1313.06  
 09/29/03 AMEND: 1361  
 09/11/03 ADOPT: 1775.1 AMEND: 1775, 1775.2, 1775.3, 1775.4 REPEAL: 1775.15, 1777, 1777.1, 1777.2, 1777.3, 1777.4, 1777.5, 1778, 1778.1, 1778.2, 1778.3  
 09/04/03 AMEND: 1920  
 09/02/03 AMEND: 1397.61  
 08/26/03 AMEND: 109, 111(a)  
 08/07/03 AMEND: 1388.6  
 07/28/03 AMEND: 1732.2  
 07/24/03 ADOPT: 4170  
 07/24/03 ADOPT: 1399.675 AMEND: 1399.669, 1399.670, 1399.676, 1399.678, 1399.679 REPEAL: 1399.675  
 07/23/03 AMEND: 1399.157  
 07/21/03 AMEND: 1397.62  
 07/17/03 AMEND: 1021  
 07/17/03 AMEND: 1920  
 07/07/03 ADOPT: 326  
 07/07/03 AMEND: 355.1  
 07/03/03 AMEND: 317



06/26/03 ADOPT: 1993.2, 1993.3 AMEND: 1991  
 06/19/03 ADOPT: 2474  
 06/12/03 AMEND: 3351.6, 3366

**Title 17**

10/09/03 AMEND: 50604, 50608, 54326, 54370, 56003, 56082, 57540, 58510, 58671  
 09/25/03 AMEND: 54001, 54010  
 09/23/03 ADOPT: 13676 AMEND: 13675  
 09/04/03 AMEND: 60065.1, 60065.2, 60065.3, 60065.4, 60065.5, 60065.6, 60065.7, 60065.8, 60065.9, 60065.10, 60065.11, 60065.12, 60065.13, 60065.14, 60065.15, 60065.16, 60065.17, 60065.18, 60065.19, 60065.20, 60065.21, 60065.22, 60065.23, 60065.24, 60065.25, 60065  
 08/21/03 ADOPT: 1031.2, 1031.3  
 07/28/03 AMEND: 58420  
 07/18/03 ADOPT: 30315.10, 30315.20, 30315.22, 30315.23, 30315.24, 30315.33, 30315.34, 30315.35, 30315.36 30315.50, 30315.51, 30315.52, 30315.60, 30316, 30316.10, 30316.20, 30316.22, 30316.30, 30316.40, 30316.50, 30316.60, 30316.61, 30317, 30317.10, 30317.20, 303  
 06/12/03 AMEND: 54342(a)(52)

**Title 17, 18**

07/03/03 AMEND: 94011

**Title 18**

10/14/03 AMEND: 462.040, 462.240  
 09/16/03 ADOPT: 1620.1  
 09/15/03 AMEND: 462.180  
 09/15/03 AMEND: 1630  
 09/04/03 AMEND: 17000.30  
 08/12/03 REPEAL: 24501, 24502  
 08/07/03 AMEND: 24345-4  
 07/18/03 AMEND: 1592  
 06/26/03 ADOPT: 1803.5

**Title 20**

08/19/03 AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.3, 1606, 1607, 1608

**Title 22**

10/16/03 ADOPT: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51532.3, 51535, 51535.1, 51544, 54501  
 09/26/03 AMEND: 70217, 70225, 70455  
 09/23/03 AMEND: 67450.42  
 09/23/03 ADOPT: 97244, 97245, 97246, 97247, 97248, 97249, 97250 AMEND: 97045, 97210, 97211, 97212, 97213, 97215, 97241 REPEAL: 97214, 97239, 97242, 97243  
 09/15/03 AMEND: 51509  
 09/11/03 AMEND: 12901  
 09/11/03 ADOPT: 64670, 64671.05, 64671.08, 64671.09, 64671.10, 64671.15, 64671.30,

64671.35, 64671.40, 64671.55, 64671.65, 64671.70, 64671.75, 64671.80, 64671.85, 64673, 64674, 64675, 64675.5, 64676, 64677, 64677.5, 64678, 64678.5, 64679, 64680, 64681, 64682, 646

09/04/03 AMEND: 1089-1

09/04/03 AMEND: 51319, 51507.2, 51515, 51517, 51521

09/02/03 AMEND: 1253-(b)-1

08/28/03 ADOPT: 51008.1 AMEND: 51104, 51515, 51520, 51521

08/18/03 AMEND: 51215.6

08/07/03 AMEND: 12000

08/05/03 ADOPT: 51200.01 AMEND: 51000.4, 51000.30, 51000.45, 51000.50, 51000.55, 51200, 51451 REPEAL:

07/21/03 ADOPT: 1326-3 AMEND: 1251-1, 1253(a)-1, 1326-2, 1326-4, 1326-5, 1326-6

07/17/03 AMEND: 51315, 51515

07/10/03 ADOPT: 66261.111, 66263.32, 66264.78, 66265.78 AMEND: 66264.72, 66265.72 REPEAL: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 6627030,

07/01/03 AMEND: 12805

06/26/03 AMEND: 97018, 97041

06/24/03 REPEAL: 51015.1

06/17/03 AMEND: 51516.1

06/12/03 AMEND: 66266.1, 66266.2

**Title 23**

09/23/03 ADOPT: 2050.6 AMEND: 2050, 2050.5, 2051, 2052, 2053, 2064, 2066, 2067

09/11/03 ADOPT: 3989.1

08/26/03 ADOPT: 2729, 2729.1

08/21/03 ADOPT: 3717

08/19/03 ADOPT: 3989

08/19/03 ADOPT: 497.1, 497.2, 497.3, 497.4, 497.5, 497.6, 497.7, 497.8, 467.9, 497.10, 497.11, 497.12

08/18/03 ADOPT: 3939.3

08/14/03 ADOPT: 3944

07/15/03 ADOPT: 3964

07/15/03 ADOPT: 3945

07/01/03 ADOPT: 510, 511, 512, 513, 514, 515, 516, 517

**Title 25**

09/29/03 ADOPT: 7239, 7300.1, 8212.2, 8300, 8301, 8302, 8304, 8305, 8306, 8307, 8308, 8309, 8310, 8311, 8312, 8313, 8314, 8315, 8316 AMEND: 7204, 7234, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7310, 7311, 7312, 7313, 7314, 7315, 7318, 7319, 7320, 7321, 73  
 09/29/03 ADOPT: 7715, 7716, 7717, 7718, 7719, 7720, 7721, 7722, 7723, 7724, 7725, 7726, 7727, 7728, 7729, 7730, 7731,

7732, 7733, 7734, 7735, 7736, 7737,  
7738, 7739, 7740, 7741, 7742, 7743,  
7744, 7745, 7746, 7747, 7748, 7749,  
7750, 7751, 7752, 7753, 7754 7755, 77  
09/19/03 ADOPT: 7003 AMEND: 7000, 7002,  
7004, 7005, 7006, 7008, 7012, 7016  
REPEAL: 7010, 7014, 7018

**Title 27**

08/07/03 ADOPT: 10011, 10012, 10013, 10014,  
10015, 10016, 10017, 10018

**Title 28**

09/23/03 ADOPT: 1300.74.72  
09/18/03 ADOPT: 1300.87  
09/16/03 AMEND: 1300.67  
07/24/03 AMEND: 1300.43.3  
07/24/03 ADOPT: 1300.71, 1300.71.38  
07/21/03 AMEND: 1000  
06/20/03 ADOPT: 1010

**Title 22, MPP**

09/08/03 AMEND: 102395  
07/24/03 AMEND: 101170, 102370  
07/14/03 ADOPT: 102416.1 AMEND: 80001,  
80019, 80019.1, 80019.2, 80054, 80061,  
80065, 80066, 87101, 87219, 87219.1,

87454, 87565, 87566, 87801, 87819,  
87819.1, 87854, 87861, 87865, 87866,  
101152, 101170, 101170.1, 101170.2,  
101195, 101212, 101216, 101217,  
102352,

07/01/03 AMEND: 89372(b), 89387(d)(1)(C),  
89572.2(a)(1)

**Title MPP**

09/16/03 ADOPT: 49-037 AMEND: 49-005, 49-  
020, 49-035, 49-040, 80-310  
09/11/03 AMEND: 63-405, 63-503  
09/08/03 AMEND: 63-405  
08/08/03 AMEND: 63-300, 63-407, 63-408, 63-  
410, 63-411, 63-503, 63-505  
07/29/03 AMEND: 40-181.1(e), 40-181.22, 42-  
710.6, 42-711-51, 42-721.1, 41, 44-314.1,  
80-301(r), 82-812.6  
07/22/03 AMEND: 31-001, 31-002, 31-075, 31-  
401, 31-405, 31-410, 31-420, 31-440,  
31-445  
06/30/03 AMEND: 11-405.2, 11-406(f)  
06/26/03 ADOPT: 47-120, 47-430 AMEND: 40-  
107, 40-131, 40-181, 42-711, 47-301  
06/19/03 AMEND: 49-020

